
TIGARD CITY COUNCIL
MEETING

July 9, 2002 6:30 p.m.

TIGARD CITY HALL
13125 SW HALL BLVD
TIGARD, OR 97223



PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Visitor's Agenda items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are estimated; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, Ext. 309 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, x309 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

A G E N D A
TIGARD CITY COUNCIL MEETING
July 9, 2002

6:30 PM

- STUDY SESSION
 - BRIEFING ON THE URBAN GROWTH BOUNDARY REVIEW PROCESS BY METRO STAFF
- EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(3), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM

1. BUSINESS MEETING
 - 1.1 Call to Order - City Council & Local Contract Review Board
 - 1.2 Roll Call
 - 1.3 Pledge of Allegiance
 - 1.4 Council Communications & Liaison Reports
 - 1.5 Call to Council and Staff for Non-Agenda Items
2. VISITOR'S AGENDA (Two Minutes or Less, Please)
3. CONSENT AGENDA: These items are considered to be routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:
 - 3.1 Approve Council Minutes for June 11 and June 18, 2002
 - 3.2 Receive and File:
 - a. Council Calendar

- b. Tentative Agenda
- 3.3 Local Contract Review Board:
 - a. Award Contract for Construction of O'Mara Street Sanitary Sewer Reimbursement District No. 23 to Fisher Construction, Inc.
- *Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items which do not need discussion.*
- 4. BRIEFING ON "CELEBRATE OUR COMMUNITY" EVENTS
 - a. Staff Report: Administration Staff
 - b. Council Discussion
- 5. POLICE DEPARTMENT OVERVIEW
 - a. Staff Report: Police Staff
 - b. Council Discussion
- 6. PUBLIC HEARING TO CONSIDER AN ORDINANCE REPEALING TIGARD MUNICIPAL CODE CHAPTER 11.05 PERTAINING TO RESIDUAL SOLID WASTE
 - a. Open Public Hearing
 - b. Summation by Finance Staff
 - c. Public Testimony
 - d. Staff Recommendation
 - e. Council Discussion
 - f. Close Public Hearing
 - g. Consideration by Council: Ordinance No. 02 - _____
- 7. CONSIDER AN ORDINANCE AMENDING TIGARD MUNICIPAL CODE CHAPTER 1.16 PERTAINING TO CIVIL INFRACTIONS, AND DECLARING AN EMERGENCY
 - a. Staff Report: Community Development and Finance Staff
 - b. Council Discussion
 - c. Consideration by Council: Ordinance No. 02 - _____

8. PUBLIC HEARING (INFORMATIONAL) TO CONSIDER ESTABLISHING
SANITARY SEWER REIMBURSEMENT DISTRICT NO. 25 – CARMEN STREET
 - a. Open Public Hearing
 - b. Summation by Engineering Department
 - c. Public Testimony
 - d. Staff Recommendation
 - e. Council Discussion
 - f. Close Public Hearing
 - g. Consideration by Council: Resolution No. 02 - _____
9. COUNCIL LIAISON REPORTS
10. NON AGENDA ITEMS
11. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(3), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
12. ADJOURNMENT

I:\ADM\CATHY\CCA\020709.DOC

AGENDA ITEM # _____
FOR AGENDA OF 7/9/02

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Briefing on the Urban Growth Boundary Review Process by Metro Staff

PREPARED BY: Barbara Shields DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Metro planners will present an update on Metro's review of the Urban Growth Boundary (UGB). Metro is currently reviewing the 20-year land capacity of the UGB and assessing potential expansion sites. Three of these sites are near Tigard boundaries; the attached memo reviews issues associated with this potential expansion. The Metro presentation will provide an overview of the issues, process and schedule for a final decision (expected in December 2002).

STAFF RECOMMENDATION

No action necessary.

INFORMATION SUMMARY

Over the last year, Metro has been analyzing the current urban growth boundary's ability to absorb projected employment and population growth for the next 20 years. State law requires Metro to maintain a 20-year supply of urbanizable land in the UGB, and Metro must demonstrate this capacity every 5 years and designate future expansion lands if needed.

There are 80,000 acres under review for the entire region. Metro classified these potential UGB expansion lands in order of priority, based on farm and forest land preservation. Near Tigard's boundaries, there are 644 acres classified in the top Tier, or the first group of lands to be considered for expansion. The two sites west of Bull Mountain are of the most interest to the City, which comprise 479 acres; the third site would be better served by King City. The attached memo discusses potential impacts of the UGB expansion on Tigard (Attachment 1).

In its final decision, Metro will consider 1) population and employment forecasts; 2) housing supply/demand, forecast; 3) estimated growth in Regional and Town Centers; 4) need and land types for industrial land; 5) acres for open space, parks. Mike Burton, Metro's executive officer, will present to Metro Council his recommendation regarding any UGB land expansion on August 1st. Metro Council will then hold hearings in October.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Growth and Growth Management Goal #1: Growth while protecting the character and livability of new and established areas while providing for natural environment and open space throughout the community.

Growth and Growth Management Goal #2: Urban services are provided to all citizens within Tigard's urban growth boundary and recipients of services pay their share.

ATTACHMENT LIST

Attachment 1: Memo with Exhibits "A," "B," and "C."

FISCAL NOTES

N/A



MEMORANDUM

CITY OF TIGARD

TO: Mayor Griffith and City Council

FROM: Jim Hendryx

DATE: June 26, 2002

SUBJECT: Metro presentation on 7/9/02

At the July 9th Council Meeting, Metro planners will present an update on Metro's review of the Urban Growth Boundary (UGB). Metro is currently reviewing the 20-year land capacity of the UGB and assessing potential expansion sites, and Metro planners are visiting with metro-area City Councils to review this process with local officials. The objective of this memo is to review potential impacts of the UGB expansion on Tigard.

According to Metro's correspondence, the July 9th presentation will allow for the following (Exhibits A and B):

- an overview of the issues, process and schedule for a final decision (expected in Dec.2002);
- Council comment on the expansion's potential effects on Tigard.

Three of the possible UGB expansion sites lie near Tigard's borders. Please see attached map for locations (Exhibit C). The two sites west of Bull Mountain are of the most interest to the City; the third site would be better served by King City.

Upon review of these two parcels, we find three primary issues that Metro will need to consider as it completes its UGB analysis and examines these specific parcels:

- 1) **Allow for parks acreage in the expansion areas when projecting future densities.** The two sites comprise 479 acres. Metro has not indicated the type and level of development for these areas. However, if this area were to develop as single-family homes at R-7 density, it would require approximately 63 acres of parkland at City standards. Metro will need to allow for a significant amount of parkland in this specific area to maintain the City's standards and future residents' quality of life.

- 2) **Allocate acreage for parks-deficient Bull Mountain in the expansion areas.** The adjacent unincorporated Bull Mountain area is park deficient. If this area is annexed, it would be park deficient in the range of approximately 60 acres today to 98 in the future, according to the Nov. 2001 Bull Mountain Annexation Study. These numbers are based on current City park standards of 7.6 acres per 1000 residents. Considering the high land costs in the area, acquiring land in the Bull Mountain area may be costly and difficult. Therefore, the expansion lands would offer a more cost-effective alternative for siting the area's parks. Without this allowance, this parks deficiency will continue for Bull Mountain residents. Combined with the expansion areas' estimated need for parks, Metro must allow for a significant amount of parkland in the expansion areas to maintain the City's standards and future residents' quality of life.
- 3) **Create a mechanism to pay for parks in expansion areas.** This issue raises the most concern for both current and future unincorporated areas. Because the City now can only charge systems development charges (SDCs) for new development within its limits, no money is collected for parks in unincorporated areas. While the City loses hundreds of thousands of dollars for park development, it also loses the chance to acquire land when prices are lower and its money can go farther.

Metro should consider establishing mechanisms to help local park providers collect SDCs in expansion areas during the period between inclusion in the UGB and annexation. This will allow local jurisdictions to land bank when prices are lower and to adequately plan for future parks.

Exhibit List:

Exhibit A: Letter from Mike Burton at Metro dated 5/10/02

Exhibit B: Presentation Outline – Letter from Metro dated 6/13/02

Exhibit C: Map of potential expansion sites near Tigard

GRAND AVENUE PORTLAND, OREGON
L 503 797 1700 FAX 503 797 1797



METRO

May 10, 2002

The Honorable Jim Griffith
Mayor of The City of Tigard
11825 SW Greenburg Road, Suite A3
Tigard, OR 97223-6460

Dear Mayor Griffith:

As Metro staff and I begin to prepare a draft recommendation for the Metro Council to consider this fall, I want to offer you the opportunity to be briefed on the issues, process and schedule of the ongoing urban growth boundary periodic review work.

I would like to schedule a meeting between you, your council and representatives of the Metro's Planning Department staff in June to discuss these issues. A member of the Metro staff will be calling you in the next few days to set up a meeting.

I appreciate you taking time to think about how a possible urban growth boundary decision might impact on your community and how we can make our regional community a better place to live. Your feedback is important to help shape Metro's work program and future Metro Policy Advisory Committee and Metro Council decisions.

Sincerely,

Mike Burton
Metro Executive Officer

cc: *Planning Director*

June 13, 2002

Ms. Barbara Shields
Long Range Planning Manager
City of Tigard
13125 S. W. Hall Boulevard
Tigard, OR 97223

Regarding: **City of Tigard briefing - UGB Periodic Review Process - June 2002**

Dear Ms. Shields:

Metro staff, Principle Planner Lydia Neill and Senior Planner Brenda Bernards, will present an update on Metro's Periodic Review of the urban growth boundary to the Tigard City Council on July 9, 2002 at 6:30pm. Metro is currently reviewing the 20-year land capacity of the urban growth boundary and assessing the suitability of lands for future urbanization.

Mike Burton, Metro's Executive Officer, will present his recommendation to the Metro Council regarding an urban growth boundary addition and changes to growth management policies on August 1st. The Metro Council will conduct hearings in October and make a final decision by December 2002. The staff presentation on July 9th will be about 15 to 20 minutes long and will cover the following information:

State Requirements

ORS 197

Priority of lands

20 year supply

Identifying efficiencies inside the UGB

Goal 14 – which are the best lands for urbanization

Efficiency

Locational factors

Agricultural land Compatibility

2040 Overview

Complete Communities

Importance of Centers

Multi-modal transportation system

Safe and stable neighborhoods

Land for jobs near housing

Periodic Review Process

Timeline

Open Houses

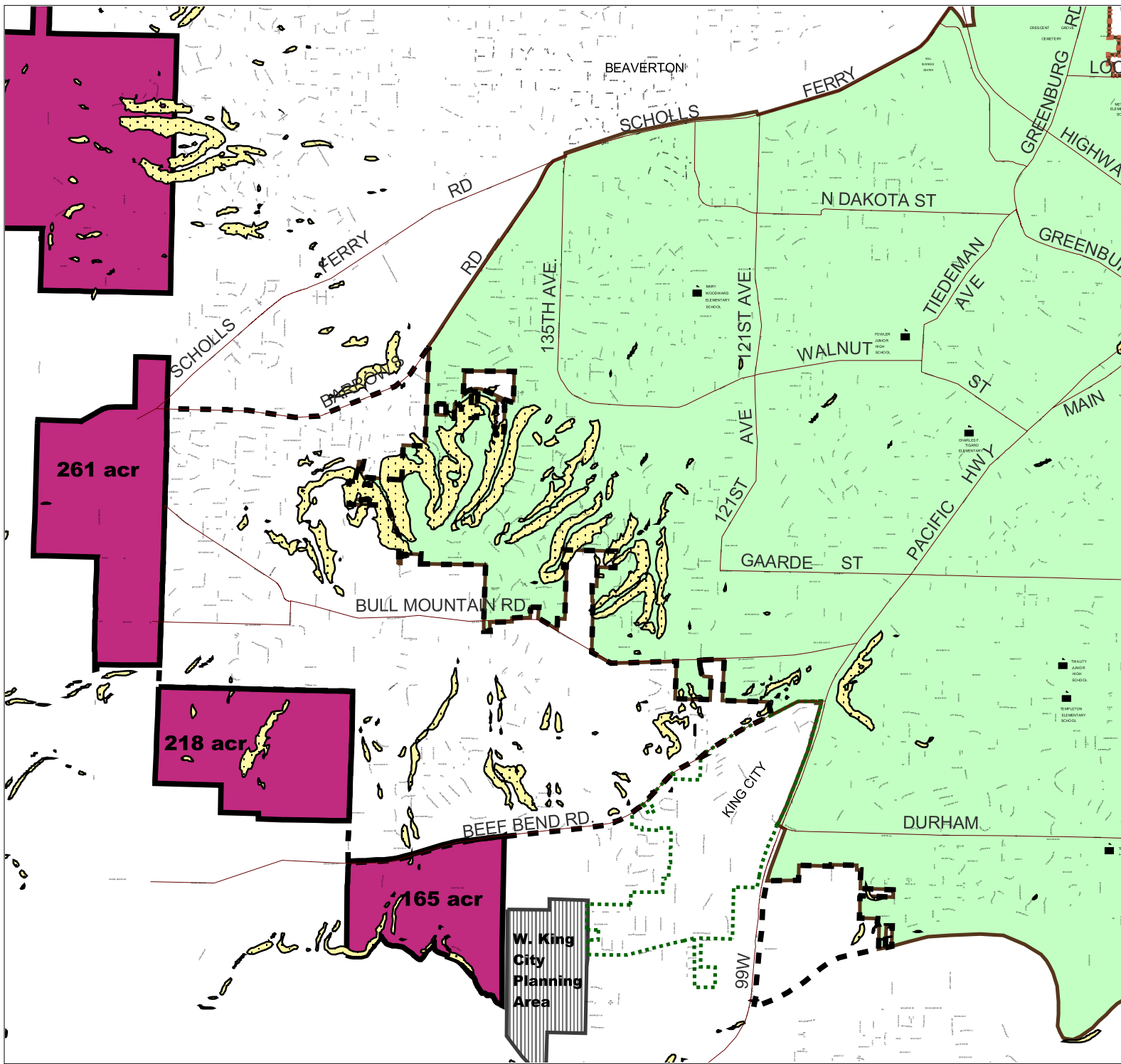
Hearings in the fall

Final decision December

Thank you for the opportunity to come before the City Council.

Sincerely,

Mary A. Weber, Manager
Community Development
Metro



CITY of TIGARD

GEOGRAPHIC INFORMATION SYSTEM

Metro Alternatives Analysis

Tigard Area Sites

Alternatives Analysis Tier 1 Areas

- Tier 1
- Tigard City Limits
- West King City Planning Area
- Steep Slopes

Tigard AOI

- Area of Interest
- Urban Service Area
- Kingcity

0 900 1800 2700 3600 Feet

1"= 1320 feet

City of Tigard

Information on this map is for general location only and should be verified with the Development Services Division.
13125 SW Hall Blvd
Tigard, OR 97223
(503) 639-4171
<http://www.ci.tigard.or.us>

COUNCIL MINUTES
TIGARD CITY COUNCIL MEETING
June 11, 2002

Mayor Griffith called the meeting to order at 6:33 p.m.

City Council Present: Mayor Griffith; Councilors Dirksen, Moore, Patton and Scheckla.

STUDY SESSION:

- **ONLINE HEALTH INSURANCE ENROLLMENT:** Human Resource Analyst Sherrie Burbank was present to advise that City of Tigard health insurance participants will need to enroll online between July 1-19. Ms. Burbank offered her assistance to those Council members who participate in the health insurance plan. She added that a health risk analysis will be required as part of the process.
- **AT&T MERGER WITH COMCAST:** Assistant to the City Manager Liz Newton advised the Council will be asked to consider an ordinance to approve the transfer of the cable franchise. Metropolitan Area Communications Commission (MACC) staff has reviewed the legal issues related to this transfer and is recommending approval. Ms. Newton distributed a June 11, 2002, letter from Communication Workers of America (CWA) with concerns noted. MACC Legal Counsel Pam Beery advised Ms. Newton that the CWA issues were not relevant to the transfer.
- **NON-ISLAND ANNEXATION POLICY UPDATE/BULL MOUNTAIN ANNEXATION SURVEY:** City Manager Monahan introduced this agenda item. A June 11, 2002, memorandum regarding the Bull Mountain annexation public survey was distributed. Community Development Director Hendryx referred to the draft survey questions. 300 residents will be interviewed next week and the study will be completed by the end of June. After discussion, Council decided that the 300 surveys should be split 50/50: 150 residents in Tigard and 150 residents in the potential annexation area.
- **INTERNAL REVENUE SERVICE RULES ON EMPLOYEE EXPENSES:** Finance Director Prosser reviewed IRS rules on taxable fringe benefits and distributed a list of those benefits that need to be reported for income tax purposes. Employees will be briefed on this matter beginning June 12, 2002.

- WALL STREET LOCAL IMPROVEMENT DISTRICT (LID) PROCESS AND THE CAPITAL IMPROVEMENT PROJECT BUDGET: Written public testimony was submitted with regard to the 2002/2003 Capital Improvement Projects Budget, citing concerns with the potential Wall Street LID. City Engineer briefed the City Council on the LID process. (For more detailed information, see the June 3, 2002, memorandum from Mr. Duenas, which is part of the packet material prepared for the consideration of the City's 2002/03 budget, Agenda Item No. 8). A preliminary engineer's report will be prepared and submitted to the Council about next March. Council will receive updates approximately every three months. There will be ample opportunity for Council and public input.
- COMMUNITY ACTION INFORMATION: Council discussed information it received from the Community Action Organization detailing the type and amount of assistance it provides to the City of Tigard through the Neighborshare program. Mayor Griffith advised he would be requesting to amend the budget for a \$3,000 contribution to Neighborshare. There was brief Council discussion about the information provided. It was also noted that City budgeting will be tighter in the years ahead and community events and social service requests will be examined more closely.

EXECUTIVE SESSION: The Tigard City Council will go into Executive Session at 7:14 p.m. to discuss a Real Property Transaction under ORS 192.660(1) (e).

Executive Session adjourned at 7:27 p.m.

1. BUSINESS MEETING
 - 1.1 Mayor Griffith called the City Council and Local Contract Review Board Meeting to order at 7:35 p.m.
 - 1.2 Roll Call: Mayor Griffith; Councilors Dirksen, Moore, Patton, and Scheckla.
 - 1.3 Pledge of Allegiance
 - 1.4 Council Communications & Liaison Reports: None
 - 1.5 Call to Council and Staff for Non-Agenda Items: None
2. VISITOR'S AGENDA
 - Kathy Onsurez and Teresa Olsen representing the Tigard High School Marching Band announced there will be bingo games at Tigard High School every Thursday, from 7-9:15 p.m. Proceeds will be used to fund the Marching Band's activities.
3. CONSENT AGENDA: Motion by Councilor Dirksen, seconded by Councilor Patton, to adopt the Consent Agenda as follows:

- 3.1 Approve Council Minutes for May 21, and 28, 2002
- 3.2 Receive and File:
 - a. Council Calendar
 - b. Tentative Agenda
- 3.3 Adopt Employer Payment of Employee's Public Employees Retirement System (PERS) Contributions for Sworn Personnel in the Police Management Group – Resolution No. 02 - 33
- 3.4 Adopt a Cost of Living Adjustment for the Management/Supervisory/Confidential Group Employees Effective July 1, 2002 – Resolution No. 02 -34
- 3.5 Approve the Tigard Gang Officer's Attendance at the National Gang Violence Conference
- 3.6 Approve Lt. DeVeny's Attendance at the FBI National Academy
- 3.7 Local Contract Review Board:
 - a. Award Contract for Architectural Engineering Services for HVAC Modification Project for City Hall to EESI

The motion was approved by a unanimous vote of Council present:

| | | |
|--------------------|---|-----|
| Mayor Griffith | - | Yes |
| Councilor Dirksen | - | Yes |
| Councilor Moore | - | Yes |
| Councilor Patton | - | Yes |
| Councilor Scheckla | - | Yes |

- 4. PUBLIC HEARING – APPROVE THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2002-2003
 - a. Mayor Griffith opened the public hearing.
 - b. City Engineer Duenas presented the staff report. Mr. Duenas reviewed the Capital Improvement Program public process and reported on project highlights for last year. He reviewed the program priorities for 2002-03. A number of letters citing concerns with the Wall Street Local Improvement District (LID) were received in recent weeks. A letter from the Tualatin Riverkeepers, dated June 11, 2002, was submitted to the City Council as testimony for this public hearing. Mr. Duenas reviewed the process for the LID and advised that a preliminary report will be prepared and completed in about March 2003. Periodic reports will be submitted to Council (about every three months) on the progress of the preliminary report. The LID

process provides opportunity for Council and public input. The proposed new library building is a separate process from the LID process.

c. Public Testimony:

- A letter from the Tualatin Riverkeepers, dated June 11, 2002, was submitted to the City Council as testimony for this public hearing. A copy of this letter is on file in the City Recorder's office.

d. Staff recommended that the Council approve the CIP as presented.

e. Mayor Griffith closed the public hearing.

f. Motion by Councilor Moore, seconded by Councilor Dirksen, to adopt the fiscal year 2002-2003 Capital Improvement Program and projects.

The motion was approved by a unanimous vote of Council present:

| | | |
|--------------------|---|-----|
| Mayor Griffith | - | Yes |
| Councilor Dirksen | - | Yes |
| Councilor Moore | - | Yes |
| Councilor Patton | - | Yes |
| Councilor Scheckla | - | Yes |

5. CONSIDER A RESOLUTION AUTHORIZING A FIVE-YEAR INTERFUND LOAN FROM THE GENERAL FUND TO THE GAS TAX FUND FOR FINANCING THE CITY'S SHARE OF THE 69TH AVENUE LOCAL IMPROVEMENT DISTRICT (LID)

a. Finance Director Prosser presented the staff report, which is on file in the City Recorder's office.

b. Motion by Councilor Moore, seconded by Councilor Patton to adopt Resolution No. 02-35.

RESOLUTION NO. 02-35 -- A RESOLUTION AUTHORIZING A FIVE-YEAR INTERFUND LOAN FROM THE GENERAL FUND TO THE GAS TAX FUND FOR FINANCING OF THE CITY'S SHARE OF THE 69TH AVENUE LOCAL IMPROVEMENT DISTRICT

The motion was approved by a unanimous vote of Council present:

| | | |
|----------------|---|-----|
| Mayor Griffith | - | Yes |
|----------------|---|-----|

| | | |
|--------------------|---|-----|
| Councilor Dirksen | - | Yes |
| Councilor Moore | - | Yes |
| Councilor Patton | - | Yes |
| Councilor Scheckla | - | Yes |

6. PUBLIC HEARING – CONSIDER A RESOLUTION CERTIFYING THAT THE CITY OF TIGARD PROVIDES SERVICES QUALIFYING FOR STATE SHARED REVENUES

- a. Mayor Griffith opened the public hearing.
- b. Finance Director Prosser presented the staff report, which is on file in the City Recorder's office.
- c. Public Testimony: None
- d. Staff recommended that the Council adopt the proposed resolution.
- e. Mayor Griffith closed the public hearing.
- f. Motion by Councilor Patton, seconded by Councilor Dirksen, to adopt Resolution No. 02-36.

RESOLUTION NO. 02-36 -- A RESOLUTION CERTIFYING THAT THE CITY OF TIGARD PROVIDES SERVICES QUALIFYING FOR STATE SHARED REVENUES

The motion was approved by a unanimous vote of Council present:

| | | |
|--------------------|---|-----|
| Mayor Griffith | - | Yes |
| Councilor Dirksen | - | Yes |
| Councilor Moore | - | Yes |
| Councilor Patton | - | Yes |
| Councilor Scheckla | - | Yes |

7. PUBLIC HEARING - CONSIDER AN ORDINANCE DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES

- a. Mayor Griffith opened the public hearing.
- b. Finance Director Prosser presented the staff report, which is on file in the City Recorder's office.

- c. Public Testimony: None
- d. Staff recommended that the Council adopt the proposed ordinance.
- e. Motion by Councilor Dirksen, seconded by Councilor Patton, to adopt Ordinance No. 02-23.

ORDINANCE NO. 02-23 -- AN ORDINANCE DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES

The motion was approved by a unanimous vote of Council present:

| | | |
|--------------------|---|-----|
| Mayor Griffith | - | Yes |
| Councilor Dirksen | - | Yes |
| Councilor Moore | - | Yes |
| Councilor Patton | - | Yes |
| Councilor Scheckla | - | Yes |

8. PUBLIC HEARING - CONSIDER A RESOLUTION ADOPTING THE BUDGET, MAKING APPROPRIATIONS, DECLARING THE VALOREM TAX LEVY AND CLASSIFYING THE LEVY AS PROVIDED BY ORS 310.060(2) FOR FISCAL YEAR 2002-2003

- a. Mayor Griffith opened the public hearing.
- b. Finance Director Prosser presented the staff report, which is on file in the City Recorder's office.
- c. Public Testimony: None
- d. Mayor Griffith closed the public hearing.
- e. Staff recommended that the Council adopt the proposed resolution.
- f. Mayor Griffith noted additional information had been received from the Community Action Organization about the contributions of the Neighborshare program in the City of Tigard.

Motion by Mayor Griffith to grant the Community Action Organization \$3,000, thereby amending the proposed budget by reducing the General Fund Contingency by \$3,000 for this expenditure.

Council discussion on the motion followed with it being clarified that the Council could adopt the proposed budget resolution "as amended" if the motion to grant Community Action Organization the \$3,000 was approved by Council. Councilor Patton said she appreciated receiving this additional information from the Community Action Organization and said she would like to see this type of information on a regular basis. She also cautioned that future funding for programs will get "tighter" and the City will have to make some hard decisions about funding of programs.

Councilor Dirksen seconded the motion.

The motion was approved by a unanimous vote of Council present:

| | | |
|--------------------|---|-----|
| Mayor Griffith | - | Yes |
| Councilor Dirksen | - | Yes |
| Councilor Moore | - | Yes |
| Councilor Patton | - | Yes |
| Councilor Scheckla | - | Yes |

- g. Motion by Councilor Moore, seconded by Councilor Patton, to adopt Resolution No. 02-37, as amended.

RESOLUTION NO. 02-37 -- A RESOLUTION OF THE CITY OF TIGARD ADOPTING THE BUDGET, MAKING APPROPRIATIONS, DECLARING THE VALOREM TAX LEVY AND CLASSIFYING THE LEVY AS PROVIDED BY ORS 310.060(2) FOR FISCAL YEAR 2002-03.

The motion was approved by a unanimous vote of Council present:

| | | |
|--------------------|---|-----|
| Mayor Griffith | - | Yes |
| Councilor Dirksen | - | Yes |
| Councilor Moore | - | Yes |
| Councilor Patton | - | Yes |
| Councilor Scheckla | - | Yes |

9. CONSIDER A RESOLUTION ADOPTING A NEW FEE SCHEDULE FOR LAND USE APPLICATIONS
- a. Planning Manager Dick Bewersdorff presented the staff report, which is on file in the City Recorder's office.

- b. During Council discussion, staff advised that the Homebuilder's Association has reviewed the proposed new fee schedule and their comment was that they would prefer the fees be updated on a regular basis. Council agreed that all fees should be reviewed regularly.
- c. Motion by Councilor Moore, seconded by Councilor Patton, to adopt Resolution No. 02-38.

RESOLUTION NO. 02-38 -- A RESOLUTION OF THE CITY COUNCIL ADOPTING A NEW FEE SCHEDULE FOR LAND USE PLANNING APPLICATIONS TO REFLECT 100 PERCENT OF PROJECT COSTS, AMENDING RESOLUTION NO. 02-06, AND SETTING AN EFFECTIVE DATE OF JULY 1, 2002.

The motion was approved by a unanimous vote of Council present:

| | | |
|--------------------|---|-----|
| Mayor Griffith | - | Yes |
| Councilor Dirksen | - | Yes |
| Councilor Moore | - | Yes |
| Councilor Patton | - | Yes |
| Councilor Scheckla | - | Yes |

10. COUNCIL LIAISON REPORTS: None

11. NON AGENDA ITEMS: None

Study Session continued at 8:32 p.m.

- MAY 21, 2002 ELECTION: Voter precinct information was distributed to the City Council.
- CABLE TELEVISION COVERAGE: Live showings and replays are being aired on new channels. It was suggested that a Cityscape article be published announcing the change.
- COUNCIL VACANCY: City Attorney Ramis advised that moving out of the City would disqualify a Council member from continuing to serve on the City Council. Council reviewed the options it would have with regard to a vacancy as provided in the City Charter.
- COMMUTER RAIL: Councilor Dirksen updated the Council on a recent meeting about the Commuter Rail station for downtown Tigard. There were 18 people

attending the meeting. Concerns expressed included parking and potential congestion during train arrivals. The next meeting will be June 27. Mayor asked that Tualatin Valley Fire and Rescue (TVF&R) be advised of any meetings regarding commuter rail.

- EQUIPMENT RENTAL OR SHARING: Councilor Dirksen reported that TVF&R has an agreement with a rental company for equipment that could be used on an emergency basis. City Manager Monahan noted Tigard also has established relationships with rental companies to use equipment during emergencies. In addition, Tigard has established a system to share resources with the school district and neighboring jurisdictions.
- JUNE 25, 2002, COUNCIL MEETING: Council agreed to start the meeting at 6 p.m. on June 25, to conduct the Executive and Study Sessions. At 7 p.m. the Council will host a small reception with the Indonesian visitors. The business meeting will begin at 7:30 p.m.
- TUPLING BUTTERFLY GARDEN DEDICATION: City Manager Monahan reminded Council of this event, which will be held on Sunday, June 16, at 11 a.m. in Cook Park.

12. EXECUTIVE SESSION: Not held

13. ADJOURNMENT: 9:05 p.m.

Attest:

Catherine Wheatley, City Recorder

Mayor, City of Tigard

Date: _____

COUNCIL MINUTES
TIGARD CITY COUNCIL MEETING
June 18, 2002

1. WORKSHOP MEETING

- 1.1 Council President Moore called the meeting to order at 6: 30 p.m.
- 1.2 Council Present: Council President Moore; Councilors Dirksen, Patton, and Scheckla.
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None
- 1.5 Call to Council and Staff for Non Agenda Items: None

> Skateboard Park Update

Parks Manager Dan Plaza and Skateboard Park Task Force Chair Rich Carlson reported on a potential skateboard park location next to Fowler Middle School, which appears to fit the established location criteria quite well. Both the School District staff and School Board have given a preliminary "ok" to pursue this possibility. The site can also accommodate some playground equipment, with future expansion potential. There is a mobile home structure on the site; there was discussion that this might be a good community policing location. Council consensus was to add this property to the list of properties to be considered for a skateboard park. Council stressed the importance of notifying adjacent property owners about the proposal. Noise mitigation options need to be identified early on.

2. DISCUSS WATER RATE ADJUSTMENT – THREE-YEAR PLAN

Public Works Director Ed Wegner introduced this item. Assistant Public Works Director Dennis Koellermeir and Finance Manager Tom Imdieke were also present to update the Council on water rate adjustments. Staff reviewed a three-year rate schedule with the City Council. A rate-adjustment resolution will be before the City Council on June 25, 2002. Staff is recommending a three-year rate plan that will adjust rates, beginning October 1, 2002, by 10%, then 6% each of the following two years.

3. UPDATE ON TIGARD WATER SUPPLY OPTIONS

Public Works Director Wegner updated the Council on the status of securing water supply options for the Tigard water service area. Two options are being studied:

- a) Joint Water Commission – Tigard continues to purchase surplus water as allowed through the memorandum of understanding. The Tualatin Basin Feasibility Study work has been focusing on source options. A preliminary report will be coming out this fall for Council review.
- b) Proposed Bull Run Regional Drinking Water Agency – A consulting team has been working with 13 participating agencies. Work has been divided into four groups:
 - 1. Engineering – what would be supply assets of new agency
 - 2. Financial – a rate model is being developed to determine the cost scenarios for participants
 - 3. Governance/Legal (see notes below)
 - 4. Public Involvement – keeping the citizenry of the Metro area aware of the progress of this project

Mr. Wegner reviewed with the City Council governance options along with a comparison of criteria relating to governance options that was prepared by the Policy Steering Committee. After Council review and discussion, the consensus was that the ORS 190 Organization was the preferred governance option of the Tigard City Council. Mr. Wegner distributed a chart outlining the key characteristics of an ORS 190 organization.

It was noted that Portland Commissioner Erik Sten is no longer representing Portland on water issues. Commissioner Dan Saltzman is now the head of the Portland Water Bureau. It has been reported that Commissioner Saltzman is supportive of the study concerning the Bull Run Regional Drinking Water Agency.

4. DISCUSS WASHINGTON COUNTY/CITY OF TIGARD COOPERATIVE PROJECTS WITH WASHINGTON COUNTY LAND USE AND TRANSPORTATION DIRECTOR KATHY LEHTOLA

Land Use and Transportation Director Kathy Lehtola visited with the City Council and visited briefly about some of the various projects that the City and County are undertaking cooperatively. Ms. Lehtola was appointed to the Director position last month and shared with Council that she has a masters degree in geology, has worked in the public works field for 29 years with experience as the “regulated” and the “regulator.” She referred to the importance of maintaining good interpersonal relationships with staff and elected officials and said she enjoys the close association that has been established among the Washington County cities and the County.

She responded to a question about the status of the Washington Square Regional Plan implementation. Washington County is doing work on this project and the

Board action (ordinance) is on its 2003 agenda schedule. Community Development Director Hendryx explained that the City of Tigard had primary responsibility to meet a Metro deadline and Tigard needed to complete its work on this Plan before Beaverton and Washington County could finish their process.

Councilor Dirksen noted his appreciation for Ms. Lehtola's involvement in the commuter rail project in downtown Tigard.

Ms. Lehtola commented on urban growth boundary expansion issues. Two-thirds of the growth is anticipated to be occurring in Clackamas County in the foreseeable future. She noted the need to balance out growth patterns to protect each area's economy and livability.

5. UPDATE ON DOWNTOWN/COMMUTER RAIL MEETING

Community Development Director Hendryx introduced this agenda item. He reviewed a chart with the City Council outlining the planning needed for infrastructure and economic/business improvements in the downtown due to the coming commuter rail station. A meeting was held on May 13 and 18 people attended to learn more about the commuter rail station in the downtown. For the most part, the response was positive but there are concerns about parking and traffic circulation.

Councilor Dirksen is the Council representative on this project. He noted the importance of communicating to the business and property owners what the City can provide and what will be their responsibility with regard to business development. The next meeting is on June 27, 6:30 – 8 p.m., in Town Hall.

The County has the lead on the project and Tri Met is also involved. Tigard will need to give input with regard to station design and planning for the park-and-ride lot.

Council meeting recessed: 8:12 p.m.

Council meeting reconvened: 8:16 p.m.

6. UPDATE ON COMMUNITY DEVELOPMENT CODE AMENDMENTS TO IMPLEMENT THE TRANSPORTATION SYSTEM PLAN (TSP)

Associate Planner Julia Hajduk presented the staff report. She gave background information on the TSP, which was adopted in January 2002. The proposed amendments to the Community Development Code are intended to clarify existing language, implement TSP recommendations, address Department of Land Conservation and Development (DLCD) requirements, and address Metro Regional Transportation Plan Requirements.

Ms. Hajduk reviewed the significant changes proposed. The following were discussed:

- Right of way width: standard and the skinny street option
- Sidewalk location (The Planning Commission indicated it did not like the sidewalk location requirements with regard to the requirement of landscaping strips because of lack of maintenance problems and personal liability issues. Council discussed this briefly and consensus was to defer to staff's recommendation on sidewalk location; the Council cited the pedestrian safety element. In addition, the Council will soon be reviewing the possibility of implementing a street maintenance fee, which may alleviate concerns about maintenance.)
- Sidewalk requirements of developer
- Access Management
- Traffic calming

Ms. Hajduk reviewed the required notice to process the Development Code amendments. Planning Commission is scheduled to conduct a public hearing on the amendments on August 5, 2002, with the Council hearing scheduled for September 10, 2002.

7. COUNCIL LIAISON REPORTS: None

8. NON-AGENDA ITEMS:

- > Update on Visitors from Indonesia: City Manager Monahan reported that progress on the work plan with the Indonesian delegation from Samarinda City, Kutai County has been going well. Sessions on citizen involvement have been conducted. The work plan also specifies that training will be provided in double-entry accounting, fee adjustments, and recycling. The group has toured Intel and other tours to water treatment facilities and a landfill are planned. The delegates visited the Tigard Library and were very interested in learning more about how our library system works.

The delegation will attend a portion of the June 25, 2002, City Council meeting.

9. EXECUTIVE SESSION: Not held

10. ADJOURNMENT: 9:05 p.m.

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date: _____

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**MEMORANDUM
CITY OF TIGARD, OREGON**



TO: Mayor and Council
FROM: Greer Gaston
DATE: July 2, 2002
SUBJECT: Three-Month Council Calendar

Regularly scheduled Council Meetings are marked with an asterisk (*).

July

| | | |
|------|-------|--|
| 4 | Thurs | July 4 th Holiday - City Offices Closed |
| 9 * | Tues | Council Meeting – 6:30 p.m. Business Meeting with Study Session |
| 16 * | Tues | Council Workshop Meeting – 6:30 p.m. |
| 23 * | Tues | Council Meeting – 6:30 p.m. Business Meeting with Study Session |

August

| | | |
|------|------|--|
| 13 * | Tues | Council Meeting – 6:30 p.m. Business Meeting with Study Session |
| 20 * | Tues | Council Workshop Meeting – 6:30 p.m. |
| 27 * | Tues | Council Meeting – 6:30 p.m. Business Meeting with Study Session |

September

| | | |
|------|------|--|
| 2 | Mon | Labor Day Holiday – City Offices Closed |
| 10 * | Tues | Council Meeting – 6:30 p.m. Business Meeting with Study Session |
| 17 * | Tues | Council Workshop Meeting – 6:30 p.m. |
| 24 * | Tues | Council Meeting – 6:30 p.m. Business Meeting with Study Session |

Tigard City Council
Tentative Agenda

Agenda Item No. 5.2.b
Meeting of 7-9-02

| 7/16/02 - Workshop | 7/23/02 - Business TV -Greeter | 8/13/02 - Business TV -Greeter |
|---|---|--|
| Due: 7/2/02 @ 5 p.m. | Due: 7/9/02 @ 5 p.m. | Due: 7/30/02 @ 5 p.m. |
| Workshop Topics | Study Session | Study Session |
| * Councilor DIRKSEN Not Present * | * Councilor DIRKSEN Not Present * | Update Urban Services Agreement - Jim - 20 min |
| * City Manager Monahan Not Present* | Update - Survey Results - Bull Mountain Annexation - Jim - 20 min. | Update on Randall Grant Program - Liz - 10 min |
| Washington Square Funding Strategy/ Implementation Program - Barbara/Jim - 30 min | | Management Compensation Study - Sandy - 30 min |
| Affordable Housing Plan Update - Barbara/ Duane - 20 min | | |
| Street Maintenance Fee Update - Gus - 20 min | Consent Agenda | Consent Agenda |
| | Council Goal Update (SI) - BLUE SHEET | |
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| | | |
| | Business Meeting | Business Meeting |
| | Amendments to Development Code on Mixed Use Residential - PH-QJ-ORD -Julia -30 min | Balloon Festival Update? |
| | Update on *LSTA - Hispanic Youth Initiative - Margaret - 10 min. | WCCLS Update - Margaret - 20 min |
| | Preview - Tigard Blast - Jim - 10 min. | TMC 12.03 Update - Billing and Collection of Utility Charges - ORD - 10 min - Craig |
| | Clean Water Services Agreement - Ed - BLUE SHEET | TMC 12.02 - Update Sanitary Sewer and Surface Water Management - ORD - 10 min |
| | Library Bond Issuance Resolution | Craig |
| | Craig (Blue sheet after election known) | Approve Sale of Clute Property PH (RES?) |
| | Acknowledge and Disband NTLCC & Form New Committee - RES - Margaret - 10 min | Dennis K - 15 min |
| | | Phased Permitting & Deferred Submittal Fees - Gary - 10 min |
| | | |
| | | |
| | | |
| SI = standing item | | |
| I:/adm/greer/tentatv ag/tentative.xls | *Library Services Technology Act | |

Tigard City Council
Tentative Agenda

| 8/20/02 - Workshop | 8/27/02 - Business TV -Greeter | 9/10/02 - Business TV -Greeter |
|---|--|--|
| Due: 8/6/02 @ 5 p.m. | Due: 8/13/02 @ 5 p.m. | Due: 8/27/02 @ 5 p.m. |
| Workshop Topics | Study Session | Study Session |
| * City Manager Monahan Not Present* | * City Manager Monahan Not Present* | |
| | | |
| Review: Urban Renewal 101 - Barbara/Jim - | | |
| Update on Bull Mt - Barbara - 30 min | | |
| Reservoir Site Development (School Site) - | | |
| Dennis - 30 min | | |
| Social Service Agency presentations w/ Budget | Consent Agenda | Consent Agenda |
| Committee and Council - Craig - 1 hour | Award Labor Attorney Contract - Sandy | |
| Insurance Update - Loreen - 10 min | | |
| | | |
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| | | |
| | Business Meeting | Business Meeting |
| | Cook Park Overview - Summer Activities - | VA - Student Envoy |
| | John - 20 min | Vision Report Mid-Year Update - Loreen/Liz - |
| | Approve Urban Services Agreement - Jim - | 30 min |
| | 10 min | Public Works Department Overview - Ed - 30 min |
| | Library Construction - Design Build or Traditional | Development Code Updates to Implement the |
| | Bid Award - Gus - 10 min | TSP - PH- Leg - ORD- Julia - 30 min |
| | Authorize Purchase of Library Property - Gus - | Report on September 11 Remembrance Event |
| | 10 min | Liz 10 min |
| | Implement Street Maintenance Fee - Gus - | Summer Reading Update - Margaret - 10 min |
| | 30 min. | Update on New Library - Margaret - 10 min |
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AGENDA ITEM # _____
FOR AGENDA OF July 9, 2002

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE: Award of Contract for the Construction of O'Mara Street - Sanitary Sewer Reimbursement District No. 23

PREPARED BY: Vannie Nguyen DEPT HEAD OK: A.P. Duenas CITY MGR OK: Bill Monahan

ISSUE BEFORE THE COUNCIL

Shall the Local Contract Review Board approve the contract award for the construction of O'Mara Street – Sanitary Sewer Reimbursement District No. 23?

STAFF RECOMMENDATION

Staff recommends that the Local Contract Review Board, by motion, approve the contract award to **Fisher Construction, Inc.** in the amount of **\$51,358.00**.

INFORMATION SUMMARY

The proposed project would provide sewer service to 7 lots along O'Mara Street west of Chelsea Loop through Sewer Reimbursement District No. 23 of the Neighborhood Sewer Extension Program. Through this program, the City would install public sewer to each lot within the Reimbursement District and the owners would reimburse the City for a fair share of the cost of the public sewer at the time of connection to the sewer. In addition, each owner would be required to pay a connection fee of \$2,335 before connecting to the line. Each owner would also be responsible for disconnecting the septic system according to County rules and any other plumbing modifications necessary to connect to the public line. Council authorized formation of Sewer Reimbursement District No. 23 by approving Resolution No. 02-28 on April 9, 2002.

The bid opening for the O'Mara – Sanitary Sewer Reimbursement project was conducted on June 17, 2002. The bid results are:

| | | |
|----------------------------|---------------------|-----------------|
| Fisher Construction | Lake Oswego, Oregon | \$51,358.00 |
| Miller & Sons Contractors | Sherwood, Oregon | \$53,842.20 |
| Dunn Construction | Portland, Oregon | \$67,008.00 |
| Engineer's Estimate | | \$50,300 |

OTHER ALTERNATIVES CONSIDERED

None

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

None

ATTACHMENT LIST

Project location map

FISCAL NOTES

The amount of \$2,000,000 has been set aside in the approved FY 2002-03 budget for the Neighborhood and Commercial Area Sewer Extension Program. This funding is adequate to award a contract of \$51,358.00 to Fisher Construction.

O'MARA STREET AT CHELSEA LOOP
SANITARY SEWER IMPROVEMENTS
REIMBURSEMENT DISTRICT #23



PROJECT LOCATION MAP

NOT TO SCALE

AGENDA ITEM # _____
FOR AGENDA OF July 9, 2002

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Inform City Council regarding City of Tigard "Celebrate Our Community" events on September 11 and 14, 2002

PREPARED BY: Susan Koepping DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Council will be informed of the proposed community event on September 11, and volunteer activities on September 14, 2002 as part of "Celebrate Our Community".

STAFF RECOMMENDATION

Provide direction regarding the proposed event and volunteer events on September 11 and 14.

INFORMATION SUMMARY

Events of September 11, 2001 impacted local communities, including Tigard, in addition to the devastation and tragedy experienced in New York City and Washington D.C. Plans are being made nationally and locally to provide opportunities to respectfully commemorate the first anniversary of that date. There will be a variety of events on Wednesday, September 11, and volunteer projects in local communities September 11 – September 14. The City of Tigard staff has done some preliminary planning for a community gathering in the evening of September 11 at Cook Park and for volunteer opportunities on Saturday, September 14. Three volunteer projects are set on 14th at Summerlake Park. The most significant activity on September 14th would be planting a grove to trees in Summerlake Park which would serve as a permanent commemoration of this event and a tribute to the Tigard community. Other volunteer activities would include planting trees and shrubs in Fanno Creek Park and improving the riparian area. A memo providing more details is attached.

OTHER ALTERNATIVES CONSIDERED

City of Tigard could have no community event on September 11 and the September 14 volunteer activities could go on unrelated to "Commemorate our Community".

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

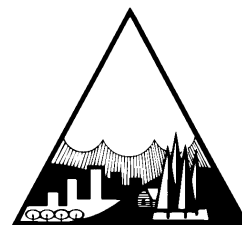
Vision Community Character and Quality of Life Goal: City will maximize the effectiveness of the volunteer spirit to accomplish the greatest good for our community.

ATTACHMENT LIST

Memo from Susan Koepping to Bill Monahan and Liz Newton.

FISCAL NOTES

MEMORANDUM



TO: Bill Monahan, Liz Newton

FROM: Susan Koepping

RE: September 11, 2001 "Celebrate Our Community"

DATE: July 2, 2002

A little background:

Plans are in progress nationally and locally to commemorate September 11, 2001. Various events and activities are taking shape in the Portland metropolitan area. The intent of all the events and activities is a respectful commemoration of the events on September 11, 2001 and a commitment to our local communities. There are two focuses:

1. Commemorative ceremonies on Wednesday, September 11
2. Volunteer opportunities September 11 – 14

CEREMONIES

Portland Metropolitan Area

Commemorative ceremonies on Wednesday, September 11. Those will occur throughout the day in various communities throughout Clark, Clackamas, Multnomah and Washington Counties. A steering committee of local agencies and organizations headed by United Way is already in place and actively involved in planning.

- Early morning events will be primarily faith-based.
- Mid-day activities will focus primarily on youth
- Evening events will focus on bringing communities together. The major event will be in Pioneer Square in Portland and will be televised by NBC/KGW (Channel 8) from 7:00p.m.-8:00p.m. KGW plans to shift their programming at 8:00p.m. to broadcast national ceremonies primarily from New York and Washington DC.

Tigard Community Wednesday, September 11

1. **Early morning** faith-based activities. United Methodist Church is involved in planning.
2. **Mid- day activities** will focus on youth and are being planned by Tigard-Tualatin School District with a focus on police and fire fighters and community safety. The school district would work with the Tigard police and TVF&R on the activities.
3. **Evening** See following

City of Tigard Wednesday, September 11

The City of Tigard could provide an opportunity for community people to gather at Cook Park in the evening Sept. 1, 7:00p.m. - 8:p.m. The purpose of this event would be to allow local residents to gather in their own community to commemorate September 11 and "everyday heroes". King City has expressed an interest in sharing in this event.

This event might include:

- Tualatin Valley Community Band with a short program of patriotic songs.
- Tigard High School Band
- Readings commemorating heroes, including everyday heroes

- A candle lit moment of silence.
- A large benner with a tribute to everyday heroes to be signed by anyone who wishes to do so. This banner would then be displayed at City Hall.

VOLUNTEER ACTIVITIES

City of Tigard Saturday, Sept. 14. That date had already been selected as one of the annual community volunteer involvement dates in Tigard. The City usually has 2-3 volunteer projects on those dates and will do that again this year. These activities will provide opportunities for people to act on the second focus of "Celebrate our Community" by volunteering in their community. The planned activities will be

- Planting a grove of trees in Summerlake Park (See following paragraph.)
- Planting trees and shrubs in Fanno Creek Park as part of the plan for that area.
- Remove invasive plant species from the riparian area on Derry Dell Creek near Genesis Loop. This is the final clearing project. Planting native trees and shrubs will begin in October.

"Celebrate Our Community" will likely become an annual commemorative day or week. In keeping with that long-term focus, one volunteer activity on Saturday, September 14 will be the establishment of a permanent memorial such as planting a grove of trees. Dan Plaza and the Parks staff have identified an appropriate place in Summerlake Park near the intersection of Winterlake Drive and 128th Street. A permanent marker such as a large stone and an inscribed plaque could be set at the edge of the grove.

AGENDA ITEM # _____
FOR AGENDA OF July 9, 2002

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Police Department Presentation

PREPARED BY: Ronald D. Goodpaster DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Issue before the Council is to receive information regarding the activities of the Police Department for the past fiscal year.

STAFF RECOMMENDATION

No action is necessary.

INFORMATION SUMMARY

The Department has prepared this presentation for your review regarding the activities of the Police Department and the showing of some of the special programs.

OTHER ALTERNATIVES CONSIDERED

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Information related to the Vision Task Force for Public Safety under the Tigard Visioning Plan.

ATTACHMENT LIST

None.

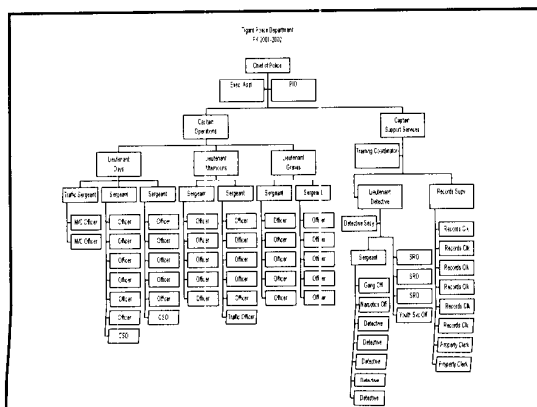
FISCAL NOTES

None.

Chief Ron Goodpaster
City of Tigard

The mission of the Tigard Police Department is to preserve life, protect property and defend human rights, while partnering with the community to improve the overall quality of life.

- ◆Administration
- ◆Operations
- ◆Support Services



- Prevents and suppresses crime through innovative and functional programming
- Preserves police resources through false alarm ordinance administration

Administration

- Encourage community safety and participation
- Address and resolve community issues and concerns by forming partnerships with the public and business community

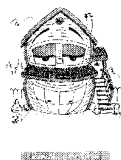


Administration

- Encouraging citizen involvement and input



Administration



- Nearly 99 percent of alarms reported to police are false
- Implemented policy that resulted in 14 percent decrease since 2001

Administration



- Presents wide variety of public safety presentations, programs and informational materials
- Neighborhood Watch, ESP, CPTED and others



Police Operations

- Patrol Division solves community problems and forms community partnerships
- The Traffic Unit strives to maintain safe vehicular traffic throughout the City

Patrol Division

- Targets crime and traffic problems in the community
- Deploys resources to solve targeted problems



Patrol Division



Maintain order in efforts to ensure the safety of the community

Patrol

Calls For Service



- 1999 34212
- 2000 38212
- 2001 39000

Traffic Unit

« Traffic "calming" methods to help make Tigard streets safer



Traffic Unit

- » Ensuring compliance to traffic laws by continual monitoring



Police Support Services

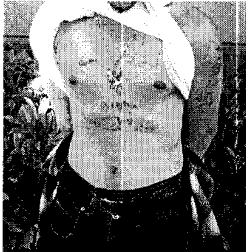
- » Detective Unit and Special Investigations
- » Gang and Narcotic Enforcement
- » Records
- » Property and Evidence

Detective Unit



» Responsible for all investigations of serious crimes

Gang Enforcement



- Better enabling of gang awareness through combined efforts with other law enforcement jurisdictions

Gang Enforcement

- Target and suppress gang activity through enforcement and education



School Resource Officer



- Maintain presence and support for the youth in the community
- Provide DARE and GREAT training to students which assists them to attain their goals

Records



- Over 9000 reports processed
- Electronically stores and maintains all reports
- Processes all record requests from the public and others

Property and Evidence



- Maintains control and integrity of evidence and recovered property
- Assists with property recovery and the seizing of evidence in search warrants

Youth Services

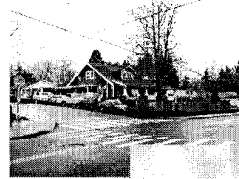


- Administers Peer Court and Youth Court
- Provides D.A.R.E. Summer Camp to juveniles in the community
- Supports additional school resources

Community Policing Efforts

- Ongoing projects
- Fostering community partners

Community Policing



- Working to resolve nuisance and problem properties in Tigard

Community Policing



- We have formed a partnership with the Tigard Central Business District

Reserve Police Volunteers



- Tigard Police Reserves contribute hundreds of hours of service to Tigard every month.

AGENDA ITEM # _____
FOR AGENDA OF July 9, 2002

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE An Ordinance Repealing Tigard Municipal Code Chapter 11.05 Relating to Residual Solid Waste

PREPARED BY: Tom Imdieke DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Should the City of Tigard repeal Tigard Municipal Code Chapter 11.05 relating to residual solid waste given a recent decision by the United States Court of Appeals for the Ninth Circuit Court.

STAFF RECOMMENDATION

Repeal Tigard Municipal Code Chapter 11.05 relating to residual solid waste.

INFORMATION SUMMARY

On May 9, 2000, the United States District Court for the District of Oregon entered a Permanent Injunction in the case of AGG Enterprises, Inc. v. Washington County and the City of Beaverton that prevented either jurisdiction from regulating the price, route or service in the transportation of source separated recyclables and/or mixed loads containing solid waste and recyclable materials from single generator, non-residential accounts, transported to a manufacturer, recycling facility or material recovery facility. AGG is a local hauler primarily doing commercial drop box business in the City of Portland and Multnomah County.

The judge in this case found that Washington County and City of Beaverton regulations were preempted by the Federal Aviation Administration Authorization Act (FAAAA) of 1994 because they were regulating service performed by a motor carrier with respect to the transportation of property. The District Court decision was subsequently appealed to the United States Court of Appeals for the Ninth Circuit Court by Washington County and the City of Beaverton.

Although the District Court's decision and permanent injunction was directly applicable to just one transporter and two jurisdictions, legal counsel and staff felt that it was prudent to refrain from enforcing the City's prohibition on non-franchisees hauling waste relating to activities that were in the scope of the injunction until the appeal of that decision was rendered.

Therefore, in December 2000, the City Council adopted Ordinance No. 00-34 (Residual Solid Waste Ordinance) to establish a registration process for those motor carriers transporting exempt solid waste loads under the injunction. The registration process was implemented to seek a balance between the City's franchise obligations and the State's requirements for recycling given the District Court's preemption. At that time, the City also entered into an Intergovernmental Agreement with Washington County to administer this registration program. Washington

County had also adopted an ordinance establishing a registration process and agreed to administer this program for other jurisdictions in the County.

Then on March 12, 2002, the United States Court of Appeals for the Ninth Circuit Court issued its opinion with regard to AGG Enterprises, Inc. v. Washington County and the City of Beaverton. The Court found that the Federal Aviation Administration Authorizing Act (FAAAA) of 1994 does not preempt local regulation of the collection of mixed solid waste and reversed the District Court's decision.

The City has received notice from Washington County of their intent to repeal the residual solid waste ordinance and related administrative rules and fees that were adopted by the Board of County Commissioners given the Ninth Circuit Court decision. Because of this, the County is also terminating the Intergovernmental Agreement effective July 5, 2002 that the City has with the County to administer the City's registration process.

Given these events, staff and legal counsel feel it would now be appropriate for the City to repeal Tigard Municipal Code Chapter 11.05 (Residual Solid Waste Ordinance).

Within the last few weeks, AGG Enterprises, Inc. has filed with the United States Supreme Court requesting the court to review the judgment and opinion of the Ninth Circuit Court. However, it is uncertain at this time whether the Supreme Court will elect to review the case. Given this uncertainty, staff and legal counsel are recommending that the City proceed with the repeal.

OTHER ALTERNATIVES CONSIDERED

Do not repeal the Tigard Municipal Code Chapter 11.05 relating to residual solid waste.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

This is not addressed in the City's visioning process.

ATTACHMENT LIST

Ordinance repealing Tigard Municipal Code Chapter 11.05.

FISCAL NOTES

Does not apply.

CITY OF TIGARD, OREGON

ORDINANCE NO. 02-

AN ORDINANCE REPEALING TIGARD MUNICIPAL CODE CHAPTER 11.05 RELATING TO
RESIDUAL SOLID WASTE

WHEREAS, Tigard Municipal Code Chapter 11.05 contains provisions relating to the collection and transportation of solid waste and recyclables, and

WHEREAS, this code was adopted in response to a United States District Court decision that prevented the regulation of the price, route or service in the transportation of source separated recyclables and/or mixed loads containing solid waste and recyclable materials from single generator, non-residential accounts, transported to a manufacturer, recycling facility or material recovery facility, and

WHEREAS, a recent decision by the United States Court of Appeals for the Ninth Circuit Court reversed the District Court's decision therefore making the residual solid waste code unnecessary.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: Tigard Municipal Code Chapter 11.05 is hereby repealed.

SECTION 2: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By _____ vote of all Council members present after being read by number and title only, this _____ day of _____, 2002.

Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2002.

James E. Griffith, Mayor

Approved as to form:

City Attorney

Date

AGENDA ITEM # _____
FOR AGENDA OF July 9, 2002

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Update of Tigard Municipal Code 1.16 – Civil Infractions

PREPARED BY: N. Robinson, C. Darnell, A. Shields DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Should Chapter 1.16 of the Tigard Municipal Code be updated to allow additional use of a short form, add a “first court appearance” similar to traffic court, and allow an increase in penalties for repeat offenders?

STAFF RECOMMENDATION

Approve the ordinance amendments as proposed.

INFORMATION SUMMARY

The proposed ordinance changes will allow the City to bring action against alleged offenders in a more prompt time frame. With acceptance of the new format, the Code Enforcement Officers will have the ability to cite alleged offenders using a “short form” and require immediate compliance. Cases that are simpler, but addressed in high volume, will be able to utilize the “short form” procedure. Most of these cases will be nuisance related such as illegal signs, noxious vegetation, and obstructing sidewalks. Cases that are more complex such as long-standing issues, issues with required witnesses, and issues with multiple unrelated code violations, will continue to be cited using the “long form” summons and complaint. Most of these will be planning, zoning, and building related cases.

Adding a first appearance to the process will reduce the amount of preparation and waiting time needed to bring a case to court, and the time taken in the court appearance for most respondents, the Code Enforcement Officers and the Hearings Officer, thus increasing productivity and providing better service to the citizens including the complainant. A first appearance will be conducted in traffic court, where the respondent will have the opportunity to admit the violation and pay a court ordered fine, or request a hearing with the Code Enforcement Officers at a later date where testimony from both sides will be heard. Judgments resulting from the first appearance can be entered immediately. Contested or more complex cases will go to hearing in the same manner already utilized, and based on the evidence presented by both parties, the Hearings Officer will determine whether or not the alleged offender is in violation

To discourage respondents from repeating their offense it is proposed that penalties increase with subsequent admissions or findings of violation. A second offense in the 24-months following the initial violation will double the maximum penalty and additional findings of violation in the same 24-months will quadruple the maximum penalty.

OTHER ALTERNATIVES CONSIDERED

Make no changes to the ordinances.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

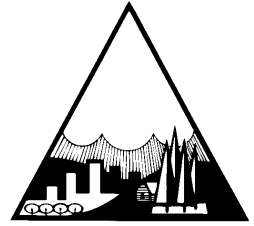
ATTACHMENT LIST

1. Cover Memorandum
2. Ordinance, including Exhibit A

FISCAL NOTES

No costs are anticipated with this change.

MEMORANDUM



TO: Tigard City Council

FROM: Christine Darnell, Albert Shields, Nadine Robinson

RE: Proposed Update to Civil Infractions Process, Municipal Code

CC: Jim Hendryx, Craig Prosser

DATE: Monday, June 24, 2002

This recommends and requests approval of an amendment of the Civil Infractions provisions of the Tigard Municipal Code, Chapter 1.16. The specific changes to the current ordinance are detailed in the attached Fact Sheet, Draft Ordinance, and Exhibit A. In Exhibit A, passages underlined and also shown in blue are to be added, and those stricken through and also shown in red are to be deleted.

Chapter 1.16.350 of the Municipal Code authorizes Tigard's Code Enforcement Officers to promulgate rules necessary to enforce the chapter but, to be effective, such rules and rule changes require approval by resolution of the City Council. In any event, the changes herein proposed go beyond the setting of rules and involve changes to the existing ordinance, thus requiring a new ordinance, as submitted.

The proposed changes represent a significant streamlining of the procedures and forms used in the civil infraction enforcement process. These changes will, when implemented, enable the City's code enforcement officers and the Municipal Court to address more violations more immediately, handle them more quickly, and dispose of them more efficiently without in any way impairing or diminishing the legal rights of respondents. All of the proposed changes have been thoroughly reviewed with and approved by the City Attorneys.

Pre-printed Citations: The revisions specifically provide for the use of standardized and pre-printed "field forms" which will enable code enforcement officers to, in effect, "write tickets" in the field and on the spot when violations are observed instead of returning to the office to compose formal "long form" documents. "Long form" complaints and summonses will still be used for those more serious or complex issues for which they have proven themselves to be useful, "house moving" and "occupancy without inspection approval," for instance. Field forms will be particularly useful with many of the "nuisance" violations such as signs and noxious vegetation where immediate compliance is possible and where it can be facilitated by immediate citation and appearance in court. Further, the proposed changes specifically include authorization for code enforcement officers to require immediate compliance if allowing the violation

to continue would allow the respondent to profit from the continuance while waiting for a court date.

First Appearance: To facilitate a speedy court appearance and efficient disposition by the court, the revisions add a “First Appearance,” similar to that used in the traffic court, to the existing Civil Infractions process. First Appearances require much less time in court than a formal Hearing so that, as with traffic court, a block of time can be scheduled and code enforcement can assign appearance dates and times in the field without contacting the court first. Many, if not most minor violations can be disposed of without the need of a more formal Hearing, saving time for respondents as well as for both code enforcement and the court. More complex cases and those where either responsibility or the amount of penalties are contested will be scheduled for formal Hearing. An additional benefit of disposing of many cases in a First Appearance is a substantial savings in the time it takes the court to complete paperwork since the “findings” called for following a First Appearance are much less formal and less time-consuming to prepare than the “Order” required following a Hearing.

Another proposed change represents a strengthening of the civil infractions provisions.

Repeat Violations: Current code language makes no provision for treating repeat violations any differently than first violations but experience shows that some individuals do not learn from a single appearance in court. Further, in the case of some violations, like signs, a repeated nominal penalty could be viewed by some individuals as an acceptable cost of doing business. The proposed changes would double the potential penalties for a second violation within twenty-four months and quadruple them for a third violation within twenty-four months. We believe that just the existence of these penalties as a potential will discourage repeat violations.

Declaration of Emergency: The good weather of the summer months is, typically, when Tigard has the greatest incidence of violations of the noxious vegetation and sign ordinances. Without a declaration of emergency the proposed changes will not go into effect until after a 30-day delay. However, the “Field Form” and “First Appearance” procedures will be particularly effective against just those vegetation and sign violations and will provide a particularly efficient way to deal with them. Accordingly, this further requests that the Council declare that an emergency exists regarding the incidence of vegetation and signage infractions against which the proposed provisions will be particularly effective.

Please let us know if you have any questions.

CITY OF TIGARD, OREGON

ORDINANCE NO. 02-

AN ORDINANCE AMENDING CHAPTER 1.16, CIVIL INFRACTIONS, OF
THE TIGARD MUNICIPAL CODE AND DECLARING AN EMERGENCY

WHEREAS, Chapter 1.16 of the Tigard Municipal Code establishes civil procedures for the enforcement of certain provisions of the Tigard Municipal Code; and

WHEREAS, the current process established by Code is lengthy and a more efficient process is needed to expedite the disposition of less complex cases; and

WHEREAS, the expeditious resolution of less complex cases is in the best interest of the public and the City; and

WHEREAS, increased sanctions for repeat offenders may act as a deterrent for future violations.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The Tigard City Council does hereby amend Chapter 1.16 of the Tigard Municipal Code as shown in the attached Exhibit "A".

SECTION 2: The City of Tigard declares that an emergency exists so that this ordinance takes affect upon passage, thereby allowing the code enforcement officers and court to immediately begin using the new format.

PASSED: By _____ vote of all Council members present after being read by number and title only, this _____ day of _____, 2002.

Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2002.

James E. Griffith, Mayor

Approved as to form:

City Attorney

Date

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Chapter 1.16 CIVIL INFRACTIONS.

Sections:

- 1.16.010 Title For Provisions.
- 1.16.020 Establishment And Purpose.
- 1.16.030 Definitions.
- 1.16.040 Use Of Language.
- 1.16.050 Reference To State Law.
- 1.16.060 Culpability--Chapter Provisions Not Exclusive.
- 1.16.070 Effect Of This Chapter.
- 1.16.080 Severability.
- 1.16.090 Reports Of Infractions.
- 1.16.100 Review Of Reports--Sufficiency Of Evidence.
- ~~1.16.110 Notice--Validity.~~
- 1.16.120 Notice ~~--Class 1 Infractions.~~
- ~~1.16.130 Notice--Class 2 And 3 Infractions.~~
- 1.16.140 Time To Remedy Infraction After Notice.
- 1.16.150 Immediate Remedial Action Required When.
- 1.16.160 Notice--Methods.
- 1.16.170 Notice--Computation Of Time Period.
- 1.16.180 Notice--Information **Required**
- 1.16.190 Failure To Respond To Notice.
- 1.16.200 Voluntary Compliance Agreement.
- 1.16.210 ~~Uniform~~ Civil Infraction Summons And Complaint-Timing.
- 1.16.220 ~~Uniform~~ Civil Infraction Summons And Complaint-Form.
- 1.16.230 ~~Uniform~~ Civil Infraction Summons And Complaint-Service--Failure To Receive--Default.
- 1.16.240 ~~Uniform~~ Civil Infraction Summons And Complaint-Respondent's ~~Answer~~ Required

Response.

- 1.16.250 No Right To Jury.
- 1.16.260 Representation By Counsel.
- 1.16.270 Opportunity To Be Heard--Cross-Examination.
- 1.16.280 Witnesses.
- 1.16.290 Hearing--Admissible Evidence.
- 1.16.300 Hearing--Decision By Hearings Officer.
- 1.16.305 Civil Penalty--Abatement Requirements.
- 1.16.310 Civil Penalty--Assessment Of Fees.
- 1.16.320 Hearing--Records.
- 1.16.330 Finality Of Decision--Appeals.
- 1.16.340 Remedial Action By City--Costs.
- 1.16.350 Default Judgment.
- 1.16.360 Enforcement--Rules And Regulations.
- 1.16.370 Lien Filing And Docketing.
- 1.16.380 Continuous Infractions.
- 1.16.385 Failure To Comply With Judgment Order.
- 1.16.390 Penalty--Payment Due When.
- 1.16.400 Penalty--Classifications.
- 1.16.410 Penalty--Assessment.
- 1.16.415 Penalty -- Repeat Violation.
- 1.16.420 Penalty -- Prior to Hearing.
- ~~1.16.420~~ 5 Delinquent Civil Penalties.

1.16.010 Title For Provisions.

The ordinance codified in this chapter shall be known as the "civil infractions ordinance," and may also be referred to herein as "this chapter." (Ord. 86-20 §1(Exhibit A(1)), 1986).

1.16.020 Establishment And Purpose.

(a) The purpose of this chapter is to establish civil procedures for the enforcement of certain provisions of the Tigard Municipal Code (TMC).

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(b) The civil infraction procedures established herein are for the purpose of decriminalizing penalties for infractions of certain civil ordinances and for the purpose of providing a convenient and practical forum for the hearing and determination of cases arising out of such infractions. The civil infractions procedure is intended to be used for all violations of the TMC other than certain violations of Title 7 and Title 10.

(c) The civil infractions abatement procedures established herein are for the purpose of authorizing the City to proceed to abate such infractions if it is determined that the infraction presents an immediate danger to the public health, safety or welfare.

(d) This chapter is adopted pursuant to the home rule powers granted the City of Tigard by Article IV, Section 1, and Article XI, Section 2, of the Oregon Constitution; Oregon Revised Statutes 30.315, and Sections 4 and 21 of the Charter of the City of Tigard. (Ord. 86-20 §1(Exhibit A(2)), 1986).

1.16.030 Definitions.

For the purposes of this chapter, the following definitions shall apply:

(a) "Civil Infractions Hearings Officer" means the Municipal Judge or the individual appointed by the Municipal Judge; with the delegated authority to preside over the code enforcement hearings and to perform the related functions as specified by this chapter.

(b) "Code Enforcement Officer" means the individual or individuals appointed or designated by the Director of Community Development or the City Manager to enforce the provisions of this chapter.

(c) "Respondent" means a person charged

with a civil infraction.

(d) "Voluntary compliance agreement" means ~~a written agreement~~ an agreement, whether written or verbal, between the Code Enforcement Officer and the respondent, which is intended to resolve the alleged civil infraction. (Ord. 86-20 §1(Exhibit A(4)), 1986).

(e) "Violation" means failure to comply with a requirement imposed directly or indirectly by this code. "Violation" may also mean civil infraction, except as used in those portions of Chapter 7 and of Chapter 10 that do not use the civil infraction procedure.

(f) "Civil Infraction" shall mean the failure to comply with a code provision other than certain provisions of Chapter 7 and Chapter 10 and shall also mean the process of imposing a civil penalty under this chapter. References to "uniform infraction" throughout the code other than in certain provisions of Chapter 7 and Chapter 10 shall be deemed to be references to "civil infraction."

1.16.040 Use Of Language.

As used in this chapter, pronouns indicating the masculine gender shall include the feminine gender; singular pronouns shall include the plural; and "person" shall, where appropriate, include any partnership, corporation, unincorporated association, the state of Oregon, or other entity. (Ord. 86-20 §1(Exhibit A(14)), 1986).

1.16.050 Reference To State Law.

Any reference to a state statute incorporates into this chapter by reference the statute in effect on the effective date of the ordinance codified in this chapter. (Ord. 86-20 §1(Exhibit A(11)), 1986).

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1.16.060 Culpability--Chapter Provisions Not Exclusive.

(a) Acts or omissions to act which are designated as an infraction by any City ordinance do not require a culpable mental state as an element of the infraction.

(b) The procedures prescribed by this chapter shall be the exclusive procedures for imposing civil penalties; however, this section shall not be read to prohibit in any way alternative remedies set out in the Tigard Municipal Code which are intended to abate or alleviate code infractions, nor shall the City be prevented from recovering, in any manner prescribed by law, any expense incurred by it in abating or removing ordinance infractions pursuant to any code provision. (Ord. 86-20 §1(Exhibit A(3)), 1986).

1.16.070 Effect Of This Chapter.

(a) Citations or complaints issued and filed with the municipal court prior to the effective date of the ordinance codified in this chapter shall be processed in accordance with the provisions in effect at the time the complaint was issued.

(b) Nothing in this chapter shall be construed as a waiver of any prior assessment, bail or fine ordered by the municipal court. (Ord. 86-20 §1(Exhibit A(12)), 1986).

1.16.080 Severability.

The provisions of this chapter are severable. If any section, sentence, clause or phrase of this chapter is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of the chapter. (Ord. 86-20 §1(Exhibit A(13)), 1986).

1.16.090 Reports Of Infractions.

All reports ~~of~~ or complaints of infractions covered by this chapter shall be made or referred to ~~the~~ an authorized Code Enforcement Officer. (Ord. 86-20 §1(Exhibit A(5)(A)), 1986).

1.16.100 ~~Review Of Reports--~~ ~~Sufficiency Of Evidence~~ Assessment.

(a) ~~Statement of Facts~~ Assessment. When an alleged infraction is reported to the Code Enforcement Officer, the Code Enforcement Officer shall ~~prepare a statement of the facts and~~ shall review the facts and circumstances surrounding the alleged infraction and if he or she deems it appropriate will proceed with appropriate enforcement actions.

(b) Sufficiency of Evidence. The Code Enforcement Officer shall not proceed further with the matter if the Officer determines that there is not sufficient evidence to support the allegation, or if the Officer determines that it is not in the best interest of the City to proceed. (Ord. 86-20 §1(Exhibit A(5)(B)), 1986).

~~1.16.110 Notice--Validity.~~

~~In order to be effective, any notice of the infraction must be made within one hundred twenty days preceding the issuance of the uniform infraction summons and complaint. (Ord. 86-20 §1(Exhibit A(5)(C)(1)), 1986).~~

1.16.120 Notice ~~--Class 1 Infractions.~~

Notice of the alleged infraction may be given to the respondent before a uniform civil infraction summons and complaint is issued for ~~Class 1~~ an infraction. It is not a prerequisite to the issuance of the summons and complaint, and the giving of notice is at the sole discretion of the Code Enforcement Officer. (Ord. 86-20 §1(Exhibit

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A(5)(C)(2)), 1986).

~~1.16.130~~ ~~Notice--Class 2 And 3~~ ~~Infractions.~~

~~—Notice of the alleged infraction shall be given to the respondent before a uniform infraction summons and complaint is issued for a Class 2 or a Class 3 infraction. (Ord. 86-20 §1(Exhibit A(5)(C)(3)), 1986).~~

1.16.140 Time To Remedy Infraction After Notice.

If a Notice of Violation is given to a respondent pursuant to this Chapter, the Code Enforcement Officer shall give the respondent a reasonable time to cure or remedy the alleged infraction after the notice is given. The time allowed shall not be less than ~~seven days~~ twenty-four hours, nor more than thirty days. Where there is an extreme hardship, as determined by the Code Enforcement Officer, the Officer may grant additional time to the respondent. (Ord. 86-20 §1(Exhibit A(5)(C)(4)), 1986).

1.16.150 Immediate Remedial Action Required When.

Notwithstanding the remedial time period contained in Section 1.16.140, if the Code Enforcement Officer determines that the alleged infraction presents an immediate danger to the public health, safety or welfare, or that any continuance of the violation would allow the respondent to profit from the violation or would otherwise be offensive to the public at large the Officer may require immediate remedial action. If, in such cases, the Code Enforcement Officer is unable to serve a notice of infraction on the respondent or, if after such service the respondent refuses or is unable to remedy the infraction, the City may proceed to remedy the infraction as provided in Section 1.16.340 of this chapter.

(Ord. 86-20 §1(Exhibit A(5)(C)(5)), 1986).

1.16.160 Notice--Methods.

If a Notice of Infraction is given to a respondent pursuant to this chapter, service of such notice may be made as follows:

(a) A notice of the alleged infraction may be given to the respondent in person by the Code Enforcement Officer.

(b) Notice of the alleged infraction may be given by a telephone call to the respondent. If notice is given in this manner, the respondent ~~shall also be provided with~~ may be given, at the code enforcement officer's discretion, a notice of infraction by first class mail sent to his last known address as soon as possible after the initial notice by telephone.

(c) A notice of the alleged infraction may be given by mailing to the respondent at his last known address. ~~a notice of infraction by registered mail, return receipt requested.~~ (Ord. 86-20 §1(Exhibit A(5)(C)(6)), 1986).

(d) A notice of the alleged infraction may be given by affixing to the main door of the property or premises. If notice is given in this manner, the Code Enforcement Officer may, at his or her discretion, also provide the respondent with a notice of infraction by mail sent to the respondent's last known address as soon as possible after the initial notice by posting.

1.16.170 Notice--Computation Of Time Period.

(a) Where the notice of infraction is delivered in person; or by telephone the time period shall begin to run immediately upon such delivery.

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- (b) Where the notice of infraction is mailed to the respondent, for the purposes of computing any time period prescribed by this chapter, notice shall be considered complete three days after such mailing, if the address to which it is mailed is within the state, and seven days after mailing if the address to which it is mailed is outside the state.

(c) Where the notice of infraction is affixed to the main door of the property or premises notice shall be considered complete three days after such affixation. (Ord. 86-20 §1(Exhibit A(5)(C)(7)), 1986).

1.16.180 Notice--Information ~~Required~~

The following information shall be included in the notice of infraction if one is given:

(a) A description or identification of the activity or condition constituting the alleged infraction, and the identification of the recipient as the respondent;

(b) A statement that the Code Enforcement Officer has determined the activity or condition to be an infraction;

(c) A statement of the action required to remedy or cure the alleged infraction, and the time and date by which the remedy must be completed unless a voluntary compliance agreement is executed;

(d) ~~An invitation to participate in an informal discussion concerning the alleged infraction and the possibility of the respondent entering into a voluntary compliance agreement;~~

—(e) A statement advising the respondent that if the required remedy is not completed within the time specified and the respondent has not entered into a voluntary compliance agreement, a ~~uniform~~

civil infraction summons and complaint will be issued and a forfeiture in the maximum amount provided for the particular infraction may be imposed.

The following information may be included in the notice of infraction at the discretion of the code enforcement officer.

(e) An invitation to contact the Code Enforcement Officer to discuss any questions the respondent may have about the alleged violation, the requirements for compliance, and any possibility of entering into a voluntary compliance agreement. (Ord. 86-20 §1(Exhibit A(5)(C)(8)), 1986).

1.16.190 Failure To Respond To Notice.

~~When~~ If notice is given, and the respondent either receives or rejects the notice of infraction and fails to remedy or cure the alleged infraction within the time specified in the notice of infraction, the Code Enforcement Officer shall serve the respondent with a ~~uniform~~ civil infraction summons and complaint. (Ord. 86-20 §1(Exhibit A(5)(C)(9)), 1986).

1.16.200 Voluntary Compliance Agreement.

(a) Effect of Agreement.

(1) The Code Enforcement Officer may enter into a ~~written~~ voluntary compliance agreement with the respondent. The agreement shall include time limits for compliance and shall be binding on the respondent.

(2) The fact that a person alleged to have committed a civil infraction enters into a voluntary compliance agreement shall not be considered an admission of having committed the infraction for any purpose.

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(3) The City shall abate further processing of the alleged infraction during the time allowed in the voluntary compliance agreement for the completion of the necessary corrective action. The City shall take no further action concerning the alleged violation if all terms of the voluntary compliance agreement are satisfied, other than steps necessary to terminate the ~~waiver~~ enforcement action.

(b) Failure to Comply with Agreement. The failure to comply with any term of the voluntary compliance agreement constitutes ~~a~~ an additional ~~and~~ separate ~~Class 1 civil~~ infraction, and shall be handled in accordance with the procedures established by this chapter, except that after the voluntary compliance agreement has been signed no further notice ~~after the voluntary compliance agreement has been signed~~ need be given before ~~the~~ a uniform civil infraction summons and complaint is issued. The City may also proceed on the alleged infraction that gave rise to the voluntary compliance agreement. (Ord. 86-20 §1(Exhibit A(5)(C)(10)), 1986).

1.16.210 ~~Uniform Civil~~ Infraction Summons And Complaint-- Timing.

A ~~uniform~~ civil infraction summons and complaint may be served on the respondent:

(a) Immediately upon discovery of the infraction ~~if it is a Class 1 civil infraction~~;

(b) Where a notice of infraction is given, ~~when and~~ the response period in the ~~notice of infraction~~ violation notification has expired; or

(c) Where a voluntary compliance agreement has been executed, whether verbal or written, when the period for compliance has

expired and the infraction has not been cured. (Ord. 86-20 §1(Exhibit A(5)(D)(1)), 1986) .

1.16.220 ~~Uniform Civil~~ Infraction Summons And Complaint-- ~~Form~~ Process Requirements

(a) ~~The uniform infraction summons and complaint shall consist of at least three pages. Additional pages may be inserted for administrative purposes. The required pages are: The physical form taken by a civil infraction summons and complaint is not material. What is material is the substance, the information contained therein. The City may utilize various physical formats for the summons and complaint. A "long form" and a "short form" are specifically authorized but other formats may be used. The state uniform citation may be used. Any form prepared by the City should normally contain or solicit the following information, but no complaint or summons shall be considered invalid for failure to comply with these rules, so long as the basic information regarding the infraction and the court date is included.~~

~~(1) The summons;~~

~~— (2) The complaint; and~~

~~— (3) The statement of facts prepared by the Code Enforcement Officer pursuant to Subsection (a) of Section 1.16.100 of this chapter.~~

(b) ~~The front of the uniform infraction summons shall contain the following information: The civil infractions summons and complaint shall contain the following information~~

(1) ~~The file number and the name of the Hearings Officer; The name and address of the respondent;~~

(2) ~~The name and address of the~~

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~~respondent;~~ A description of the infraction that can be understood by a person making a reasonable effort to do so;

~~(3) The infraction with which the respondent is charged, the class of the infraction, and the maximum civil penalty for the infraction. The Code Enforcement Officer is authorized to reduce the amount of the penalty when paid by the respondent pursuant to subsection (c)(3) of this section. The date, time, and place at which the infraction is alleged to have been committed. If the infraction is alleged to be ongoing, the civil, infractions summons and complaint shall so state and shall list a date on which the infraction was observed.~~

~~(4) The date, time and place at which the hearing on the infraction is to take place, an explanation of the respondent's obligation to appear at the hearing, and that amount of the security fees required for the hearing is fifty dollars, subject to waiver as provided in subsection (c)(2) of Section 1.16.240; A file or reference number;~~

~~(5) An explanation of the respondent's right to a hearing, with the right to representation by counsel at personal expense, the right to cross-examine adverse witnesses, and the right to compulsory process for the production of witnesses, along with a notice that the cost of the hearing, including witness fees, may be charged to the respondent if the final order of the Hearings Officer finds that the respondent committed the infraction as charged. The date the civil infraction summons and complaint was issued;~~

(6) The name of the enforcement officer issuing the citation;

(7) The time, date, and location at which the respondent is to appear in court;

(8) A notice that a complaint based on the violation will be filed with the court;

(9) The amount of the maximum civil penalty for he infraction;

(10) An explanation of the respondent's obligation to appear at the hearing and that a monetary judgment may be entered for up to the maximum penalties if the respondent fails to make all required court appearances.

(11) A space wherein the respondent may admit having committed the alleged infraction.

~~(c) The back of the uniform infraction summons shall contain the following information:~~

~~_____ (1) An appropriate form wherein the respondent may admit or deny having committed the alleged infraction which shows:~~

~~(2 12)~~ The time period for returning the form to the ~~Code Enforcement Officer~~ court;

~~(3) A notice that if the respondent denies having committed the alleged infraction and requests a hearing on the date indicated on the front of the summons, the security fees appropriate for the charge must accompany the denial, subject to waiver as provided in subsection (c)(2) of Section 1.16.240;~~

~~(4 13)~~ A notice that, if the respondent admits having committed the infraction as charged, ~~cash, a check or a money order~~ payment, in the amount shown on the ~~front of the~~ summons and complaint or as agreed with the Code Enforcement Officer pursuant to 1.16.420 of this chapter, as may be appropriate, must accompany the admission.

~~(d) The uniform infractions complaint shall~~

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~~contain the following information:~~

~~———— (1) The date, time and place that the alleged infraction occurred or, if the infraction is of a continuing nature, the date, time and place the infraction was observed by the Code Enforcement Officer or the citizen signing the complaint;~~

~~———— (2) The date on which the complaint was issued;~~

~~———— (3) The name of the person who signed the complaint and the signature of that person;~~

(4 ~~14~~) A form of verification that the person signing the complaint swears that the person has reasonable grounds to believe, and does so believe, that the respondent committed the alleged infraction; ~~and.~~

~~———— (5) A notice to the respondent that a civil complaint has been filed with the Civil Infraction Hearings Officer.~~ (Ord. 86-41 §§1--4, 1986; Ord. 86-35 §§1--4, 1986; Ord. 86-20 §1(Exhibit A(5)(D)(2)), 1986).

1.16.230 **Uniform Civil Infraction Summons And Complaint-- Service--Failure To Receive-- Default.**

(a) Service of the **uniform civil** infraction summons and complaint may be made by personal service on the respondent or an agent for the respondent ~~authorized to receive process~~; by substitute service at the respondent's dwelling or office; by affixing to the main door of the property or premises, or by registered certified mail, return receipt requested, to the respondent at his last known address. In the event of substitute service at the respondent's dwelling, the person served must be at least fourteen years of age and residing in the respondent's place of abode. Service at the respondent's office, must be made during regular business hours to the person who is apparently in charge. If substitute service is used,

a true copy of the summons and complaint, together with a statement of the date, time and place at which service was made, must be mailed to the respondent at the respondent's last known address. Service will be considered complete upon such a mailing. Service by any other method reasonably calculated, under all the circumstances, to apprise the respondent of the existence and pendency of the infraction and to afford a reasonable opportunity to respond shall be acceptable.

(b) Service on particular respondents, such as minors, incapacitated persons, corporations, limited partnerships, the state, other public bodies and general partnerships shall be as prescribed for the service of a civil summons and complaint by the Oregon Rules of Civil Procedure.

(c) No default shall be entered against any respondent without proof that the respondent had notice of the **uniform civil** infraction summons and complaint. A sworn affidavit of the Code Enforcement Officer outlining the method of service, including the date, time and place of service shall create a rebuttable presumption that the respondent had such notice. (Ord. 89-21 §1, 1989; Ord. 86-20 §1(Exhibit A(5)(D)(3)), 1986).

1.16.240 **Uniform Civil Infractions Summons And Complaint-- Respondent's **Answer Response** Required**

(a) **Answer Response** Required - A respondent served with a **uniform civil** infraction summons and complaint shall answer respond to the complaint by personally appearing at the scheduled ~~hearing on such infraction except, an answer may be made~~ first appearance or by making a written response by mail or personal delivery to the ~~Code Enforcement Officer if received by the City within ten days of the date of the service of the summons and complaint, as provided in subsections (b) and (c) below~~ court.

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(b) Admission.

(1) If the respondent admits the infraction, the respondent may ~~complete the appropriate answer so indicate~~ on the ~~back of each summons and forward the summons to the Civil Infraction Hearings Officer form to the court.~~ Cash, a check or a money order Payment in the amount of the civil penalty for the infraction, as shown on the ~~front of the~~ summons or as agreed with the Code Enforcement Officer pursuant to section 1.16.420 of this chapter, shall be submitted with the ~~answer response~~. An appropriate ~~order findings~~ shall be entered in the records of the Civil Infraction Hearings Officer indicating the receipt of the civil penalty.

~~(2) A person who admits to the infraction shall have ten days from the date the order is entered in the records to cure or remedy the infraction, except in situations where the Code Enforcement Officer determines that there is a danger to the public, in which case a lesser amount of time may be specified.~~

(c) ~~Denial~~ First Appearance

If the respondent does not admit the infraction, the respondent must appear at the scheduled first appearance. At the first appearance, the respondent may deny the infraction and request a hearing, admit the infraction, or not contest the infraction. If the respondent either admits or does not contest the infraction the respondent shall be given the opportunity to provide a statement. Based on the statement provided by the respondent and any additional information provided by the Code Enforcement Officer, the Civil Infractions Hearings Officer shall impose a penalty not to exceed the maximum penalty allowed for the infraction. If the respondent requests a hearing a hearing shall be scheduled.

~~(4) The respondent may request a hearing on the date indicated in the summons by~~

~~completing the appropriate response answer on the back of the summons and forwarding the summons, together with the security fees, to the court Hearings Officer. Upon receipt, the answer shall be entered. The security court fees received shall be returned to the respondent upon his appearance for the hearing except as otherwise provided for in this chapter.~~

~~(2) The security fees may be waived in whole or in part at the discretion of the Hearings Officer for good cause shown and upon written application of the respondent. The waiver request shall include the reasons for the request. (Ord. 86-41 §5, 1986; Ord. 86-35 §5, 1986; Ord. 86-20 §1(Exhibit A(5)(E)), 1986).~~

1.16.250 No Right To Jury.

Any hearing to determine whether an infraction has been committed shall be held before the Civil Infraction Hearings Officer without a jury. (Ord. 86-20 §1(Exhibit A(5)(F)(1)), 1986).

1.16.260 Representation By Counsel.

The respondent may be represented by legal counsel; however, legal counsel shall not be provided at public expense. ~~If legal counsel is to appear, w~~Written notice shall be provided to the Hearings Officer and Code Enforcement Officer no later than five days prior to ~~the hearing date any appearance by legal counsel at an appearance or hearing~~. (Ord. 86-20 §1(Exhibit A(5)(F)(2)), 1986).

1.16.270 Opportunity To Be Heard-- Cross-Examination.

At a hearing ~~The a~~ respondent shall have the right to present evidence and witnesses in the respondent's favor, to cross-examine any witnesses who testify against the respondent, and

TIGARD MUNICIPAL CODE

to submit rebuttal evidence. (Ord. 86-20 §1(Exhibit A(5)(F)(3)), 1986).

1.16.280 Witnesses.

(a) The respondent may request that witnesses be ordered by subpoena to appear at the hearing. The respondent shall make such request in writing to the ~~Hearings Officer at the time the answer is returned, or subsequently by mail at any time~~ court at least five days prior to the scheduled hearing. ~~A deposit for each witness shall accompany the request, such deposit to be refunded if no civil penalty is assessed by the final order of the Hearings Officer. The deposit shall be in the amount equal to the witness fee prescribed by state statute for witnesses in circuit court.~~

(b) Subject to the same five-day limitation, the Code Enforcement Officer, the citizen who signed the complaint, or the City Attorney, as appropriate, may also request in writing that the ~~Hearings Officer~~ court order certain witnesses to appear by subpoena. If a civil penalty is declared in the final order, the order shall also provide that the respondent shall pay any witness fees payable in connection with the hearing. (Ord. 86-20 §1(Exhibit A(5)(F)(4)), 1986).

1.16.290 Hearing--Admissible Evidence.

(a) Admissible Evidence.

(1) Relevant Evidence. The hearing shall be limited to production of evidence only on the infraction alleged in the complaint.

(2) Oral Evidence. Oral evidence shall be taken only upon oath or affirmation administered by the Civil Infractions Hearings Officer.

(3) Admissibility of Evidence.

Evidence shall be admitted if it is of the type which responsible persons are accustomed to rely on in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might render such evidence inadmissible in civil actions in courts of competent jurisdiction in this state.

(4) Exclusion of Evidence. Irrelevant or unduly repetitious evidence shall be excluded.

(b) Burden of Proof. The complainant or, if the City is the complainant, the Code Enforcement Officer, shall have the burden of proving the alleged civil infraction by a preponderance of the evidence. (Ord. 86-20 §1(Exhibit A(5)(F)(5) and (6)), 1986).

1.16.300 Hearing--Decision By Hearings Officer.

The Hearings Officer shall determine if the respondent committed the infraction as alleged in the complaint. When the infraction has not been proven, a written order dismissing the complaint shall be entered in the court records ~~of the Hearings Officer~~. When the Hearings Officer finds that the infraction was committed, ~~a~~ written order findings shall be prepared which sets out sufficient information to substantiate the commission of the infraction. Written orders, including findings, shall be prepared within ten working days of the oral decision. ~~A copy of the order shall be delivered, personally or by mail, to the respondent, and the Code Enforcement Officer. The court shall serve true copies of the Hearings Officer's findings, order and judgment on all parties, either personally or by mail.~~ (Ord. 89-21 §2, 1989; Ord. 86-20 §1(Exhibit A(5)(F)(7)), 1986).

1.16.305 Civil Penalty--Abatement Requirements.

TIGARD MUNICIPAL CODE

Upon a finding that the infraction was committed by the respondent, the Hearings Officer may require the respondent to abate the ordinance infraction within a specified time period identified in the final order. (Ord. 89-21 §3, 1989).

1.16.310 Civil Penalty--Assessme nt Of Fees.

Upon a finding that the infraction was committed by the respondent, the Hearings Officer may assess a civil penalty pursuant to Sections 1.16.380 through 1.16.420 of this chapter, plus hearing costs and witness fees, if any. (Ord. 86-20 §1(Exhibit A(5)(F)(8)), 1986).

1.16.320 Hearing--Records.

The ~~Hearings Officer~~ court shall maintain a record of the hearing proceedings. A mechanical recording of the hearing, accompanied by any written documents, correspondence or physical evidence associated with the matter, shall be sufficient to meet the requirements of this section. (Ord. 86-20 §1(Exhibit A(5)(F)(9)), 1986).

1.16.330 Finality Of Decision--Appeals.

The determination of the Hearings Officer shall be final. Review of the Hearing Officer's determination shall be to the circuit court by writ of review, pursuant to Chapter 34 of the Oregon Revised Statutes. (Ord. 86-20 §1(Exhibit A(5)(F)(10)), 1986).

1.16.340 Remedial Action By City--Costs.

(a) Upon finding that an infraction was committed, as determined by a final decision of the Hearings Officer, the City may, after obtaining a warrant to enter the property and abate the infraction, remedy the infraction and charge the

remedial costs back to the respondent. For the purposes of this subsection "a final decision of the Hearings Officer" means a final decision for which judicial review was not sought within the time allowed by law or a decision of the Hearings Officer that was upheld by a final decision in the judicial review and appeal process.

(b) In the case of an immediate danger to the public health, safety or welfare declared under Section 1.16.150 of this code, the City may remedy the infraction and charge the remedial cost back to the respondent, after obtaining a warrant to enter the property and abate the infraction. If the immediate danger constitutes an emergency threatening immediate death or physical injury to persons, the City may abate the infraction without obtaining a warrant if the delay associated with obtaining the warrant would result in increased risk of death or injury, and may charge the remedial costs back to the respondent.

(c) The Code Enforcement Officer shall have the right at reasonable times to enter into or upon property in accordance with law to investigate or to remedy the infraction. This provision does not authorize a warrantless entry when a warrant is required by state or federal law.

(d) The Finance Officer shall keep an accurate record of all ~~the~~ costs incurred by the City in remedying the infraction. The Finance Officer shall notify the respondent by certified mail, return receipt requested, of these costs, and advise the respondent that the costs will be assessed to and become a lien against the respondent's property if not paid within thirty days of the notice, and shall further notify the respondent that the respondent is entitled to a hearing to contest the amount of the costs to be assessed.

(e) The respondent shall be entitled to request ~~that the Code Enforcement Officer~~

TIGARD MUNICIPAL CODE

~~schedule~~ a hearing to consider the amount of the costs assessed to remedy the alleged infraction. That hearing shall be conducted pursuant to the procedures established in Sections 1.16.250 through 1.16.330 of this chapter.

(f) If the remedial costs are not paid, the Finance Officer shall follow the procedures for lien filing and docketing as contained in Section 1.16.370 of this chapter. (Ord. 99-01; Ord. 86-20 a71(Exhibit A(6)), 1986).

1.16.350 Default Judgment.

Subject to the limitations set forth in Section 1.16.230(c), a default judgment shall be entered ~~for~~ in an amount up to the maximum civil penalty applicable to the charged infraction if the respondent fails to appear at the scheduled hearing. ~~If the respondent fails to appear for the hearing, any security fees posted shall be forfeited to the City.~~ (Ord. 86-20 §1(Exhibit A(7)), 1986).

1.16.360 Enforcement--Rules And Regulations.

The Code Enforcement Officer is authorized to promulgate any rules he or she considers necessary to enforce this chapter. To be effective, such rules must be approved by the City Council by resolution. (Ord. 86-20 §1(Exhibit A(10)), 1986).

1.16.370 Lien Filing And Docketing.

(a) When a judgment is rendered by the Hearings Officer in favor of the City for the sum of ten dollars or more, exclusive of costs and disbursements, the Code Enforcement Officer shall, at any time thereafter while the judgment is enforceable, file with the City Finance Officer a certified transcript of all those entries made in the docket of the Hearings Officer with respect to the action in which the judgment was entered.

(b) Upon receipt of this transcript, the Finance Officer shall enter the judgment of the Hearings Officer on the City's lien docket.

(c) From the time of entry of the judgment on the City's lien docket, the judgment shall be a lien upon the real property of the person against whom the judgment was entered in the hearing. Except as provided in subsection (d) of this section, entry of the judgment in the City's lien docket shall not thereby extend the lien of the judgment more than ten years from the original entry of the judgment at the hearing.

(d) Whenever a judgment of the Hearings Officer which has been entered pursuant to this subsection is renewed by the Hearings Officer, the lien established by subsection (c) of this section is automatically extended ten years from the date of the renewal order.

(e) The Finance Officer shall file the transcript of the judgment with the Washington County clerk for entry in the judgment docket of the circuit court. All costs associated with the filing of the transcript shall be added to the amount of the judgment. (Ord. 86-20 §1(Exhibit A(9)), 1986).

1.16.380 Continuous Infractions.

When an infraction is of continuous nature, unless otherwise specifically provided, a separate infraction shall be deemed to occur on each calendar day the infraction continues to exist. (Ord. 86-20 §1(Exhibit A(8)(A)), 1986).

1.16.385 Failure To Comply With Judgment Order.

Failure to abate an infraction or pay the civil penalty or court costs imposed within the time allowed for abatement or payment shall constitute

TIGARD MUNICIPAL CODE

a Class 1 civil infraction. Failure to comply with a judgment order is a continuous infraction and a separate infraction will be deemed to occur each calendar day the failure to comply infraction continues to exist past the time allowed in the judgment order. (Ord. 89-21 §4, 1989).

1.16.390 Penalty--Payment Due When.

Any civil penalty assessed shall be paid no later than thirty days after the final order. Such period may be extended upon order of the Hearings Officer. (Ord. 86-20 §1(Exhibit A(8)(B)), 1986).

1.16.400 Penalty--Classifications.

For the purpose of determining civil penalties, infractions are classified in the following categories:

- (a) Class 1 infractions;
- (b) Class 2 infractions;

(c) Class 3 infractions. (Ord. 86-20 §1(Exhibit A(8)(C)), 1986).

1.16.410 Penalty--Assessment.

The civil penalty to be assessed for a specific infraction shall be as follows:

- (a) For Class 1 infractions, an amount not to exceed two hundred fifty dollars;
- (b) For Class 2 infractions, an amount not to exceed one hundred fifty dollars;
- (c) For Class 3 infractions, an amount not to exceed fifty dollars. (Ord. 86-20 §1(Exhibit A(8)(D)), 1986).

1.16.415 Penalty -- Repeat Violations.

The maximum amounts of the civil penalties set forth in section 1.16.410 above shall be doubled in the event that the respondent is found in violation of a second and similar violation within 24-months of the initial violation and quadrupled in the event of a third or subsequent repetition within 24-months of the initial violation.

1.16.420 Penalty -- Prior to Hearing.

The Code Enforcement Officer is authorized to reduce the amount of the penalty to be paid by the respondent, if the penalty amount is paid in full on or before the time and date of the first appearance.

1.16.420 5 Delinquent Civil Penalties.

Delinquent civil penalties and those imposed by default judgment which were assessed for infractions may, in addition to any other method, be collected or enforced pursuant to Oregon Revised Statutes 30.310. (Ord. 86-20 §1(Exhibit A(8)(E)), 1986).■

AGENDA ITEM # _____
FOR AGENDA OF July 9, 2002

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Formation of Sanitary Sewer Reimbursement District No. 25 (Carmen)

PREPARED BY: G. Berry DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Formation of a sewer reimbursement district to construct a sanitary sewer project as part of the Neighborhood Sewer Extension Program.

STAFF RECOMMENDATION

Approval of the attached Resolution forming the Reimbursement District.

INFORMATION SUMMARY

The proposed project would provide sewer service to seventeen lots along SW Carmen Street east of SW 121st Avenue. Through the City's Neighborhood Sewer Extension Program, the City would install public sewers to each lot within the Reimbursement District and the owners would reimburse the City for a fair share of the cost of the public sewer at the time of connection to the sewer. In addition, each owner would be required to pay a connection fee of \$2,335 before connecting to the line and would be responsible for disconnecting the existing septic system according to County rules and any other plumbing modifications necessary to connect to the public line. Each owner has been notified of the hearing by mail. The notice, mailing list and additional details are included in the City Engineer's Report attached as Exhibit A to the proposed resolution.

If Council approves this request to form the Reimbursement District, bids from contractors to construct the sewer will be requested.

Another resolution to finalize the formation of the Reimbursement District, with cost adjustments, will be submitted for Council action after construction is completed and actual construction costs are determined.

OTHER ALTERNATIVES CONSIDERED

None.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Not applicable.

ATTACHMENT LIST

Resolution to Establish District
Exhibit A, City Engineer's Report
Exhibit B, Map and list of owners
Notice to Owners & Vicinity Map
Resolution 01-46

FISCAL NOTES

Funding is by unrestricted sanitary sewer funds.

CITY OF TIGARD, OREGON

RESOLUTION NO. 02-_____

A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 25
(CARMEN STREET)

WHEREAS, the City has initiated the Neighborhood Sewer Extension Program to extend public sewers and recover costs through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, the City Engineer has submitted a report describing the improvements, the area to be included in the Reimbursement District, the estimated costs, a method for spreading the cost among the parcels within the District, and a recommendation for an annual fee adjustment; and

WHEREAS, the property owners within the proposed district have been notified of a public hearing in accordance with TMC 13.09.060 and a public hearing was conducted in accordance with TMC 13.09.050; and

WHEREAS, the City Council has determined that the formation of a Reimbursement District as recommended by the City Engineer is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City Engineer's report titled "Sanitary Sewer Reimbursement District No. 25", attached hereto as Exhibit A, is hereby approved.

SECTION 2: A Reimbursement District is hereby established in accordance with TMC Chapter 13.09. The District shall be the area shown and described on Exhibit B. The District shall be known as "Sanitary Sewer Reimbursement District No. 25, (Carmen Street)."

SECTION 3: Payment of the reimbursement fee as shown in Exhibit A is a precondition of receiving City permits applicable to development of each parcel within the Reimbursement District as provided for in TMC 13.09.110.

SECTION 4: An annual fee adjustment, at a rate recommended by the Finance Director, shall be applied to the Reimbursement Fee.

SECTION 5: The City Recorder shall cause a copy of this resolution to be filed in the office of the County Recorder and shall mail a copy of this resolution to all affected property owners at their last known address, in accordance with TMC 13.09.090.

SECTION 6: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2002.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

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RESOLUTION NO. 02-____

Exhibit A
City Engineer's Report
Sanitary Sewer Reimbursement District No. 25 (SW Carmen Street)

Background

This project will be constructed and funded under the City of Tigard Neighborhood Sewer Extension Program (NSEP). Under the program the City of Tigard would install public sewers to each lot within a project area. At the time the property owner connects to the sewer, the owner would pay a connection fee of \$2,335.00 and reimburse the City for a fair share of the cost of the public sewer. There is no requirement to connect to the sewer or pay any fee until connection is made. In addition, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

Project Area - Zone of Benefit

An existing sanitary sewer line is located in SW 121st Avenue as shown on Exhibit Map B. This line from would be extended east along SW Carmen Street serving seventeen lots.

Cost

The estimated cost for the sanitary sewer construction is \$102,700. Engineering and inspection fees amount to \$13,860 (13.5%) as defined in TMC 13.09.040(1). The estimated total project cost is \$116,560. This entire amount should be reimbursed to the sanitary sewer fund as properties connect to the sewer and pay their fair share of the total amount. However, the actual amount that each property owner pays is subject to the City's incentive program for early connections.

In addition to sharing the cost of the public sewer line, each property owner will be required to pay an additional \$2,335 connection and inspection fee when connection to the public line is made. All owners will be responsible for all plumbing costs required for work done on private property.

Reimbursement Rate

All properties in this area are zoned R-4.5 and have similar lot sizes as can be seen in Exhibit Map B. Therefore, it is recommended that the total cost of the project be divided equally among the seventeen properties included in the reimbursement district. Resolution 01-46 limits this fee to \$6,000 to the extent

that is does not exceed \$15,000 per owner for connections completed within three years of final approval of the City Engineer's Report.

Other reimbursement methods include basing the proportional share upon the square footage of each property or by the length of frontage of each property. These methods are not recommended because there is no correlation between these methods and the cost of providing service to each lot or the benefit to each lot.

Each property owner's estimated fair share of the public sewer line is \$6,860. Each owner's fair share would be limited to \$6,000 to the extent that it does not exceed \$15,000, for connections completed within three years of City Council approval of the final City Engineer's Report following construction in accordance with Resolution 01-46 (attached). In addition to paying for the first \$6,000, owners will remain responsible for paying all actual costs that exceed \$15,000.

Annual Fee Adjustment

TMC 13.09.115 states that an annual percentage rate shall be applied to each property owner's fair share of the sewer line costs on the anniversary date of the reimbursement agreement. The Finance Director has set the annual interest rate at 6.05% as stated in City of Tigard Resolution No. 98-22.

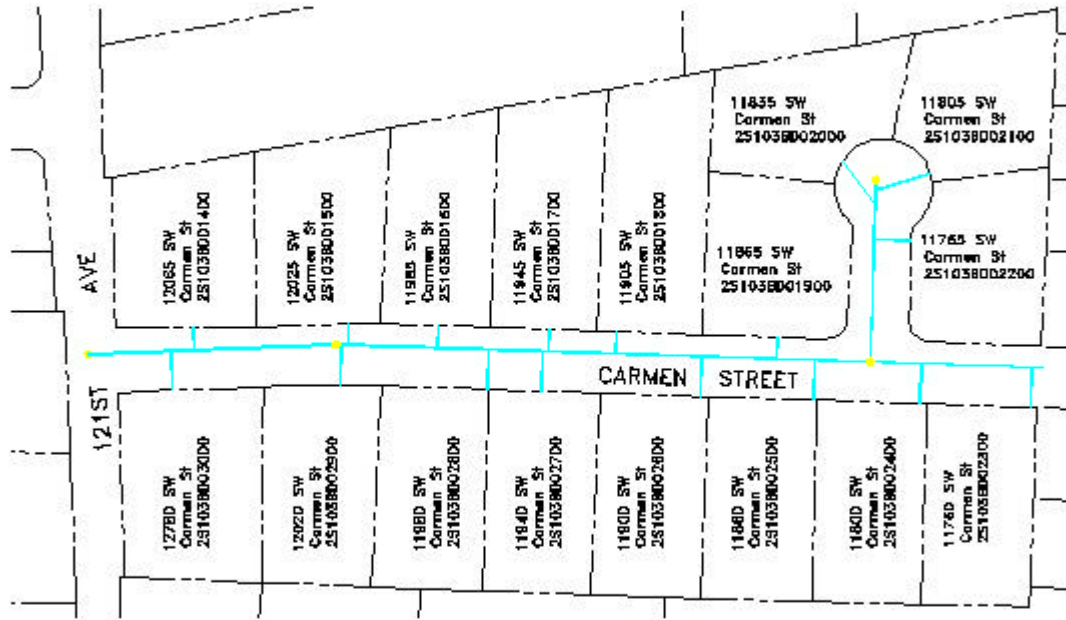
Recommendation

It is recommended that a reimbursement district be formed with an annual fee increase as indicated above and that the reimbursement district continue for fifteen years as provided in the Tigard Municipal Code (TMC) 13.09.110(5). Fifteen years after the formation of the reimbursement district, properties connecting to the sewer would no longer be required to pay the reimbursement fee.

Submitted June 24, 2002

AGUSTIN P. DUENAS, P.E.
City Engineer

A PORTION OF THE SE 1/4 OF THE NW 1/4 SECTION 03 T2S R1W W.M.



NOTE
ALL PROPERTIES IN THE REIMBURSEMENT
DISTRICT ARE ZONED R4.5

EXHIBIT B
NTS

June 24, 2002

NOTICE

Informational Hearing

NOTICE IS HEREBY GIVEN
THAT THE **TIGARD CITY COUNCIL**
AT A MEETING ON
TUESDAY, July 9, 2002 AT 7:30 PM
IN THE TOWN HALL OF THE TIGARD CIVIC CENTER
13125 SW HALL BLVD
TIGARD OR 97223

TO CONSIDER THE FOLLOWING:

Proposed Sanitary Sewer Reimbursement District No. 25.
(Carmen Street)

The Tigard City Council will conduct an informational public hearing to hear testimony on the proposed Reimbursement District formed to install sewers in Carmen Street.

Both public oral and written testimony is invited.

The public hearing on this matter will be conducted as required by
Section 13.09.060 of the Tigard Municipal Code.

Further information and the scheduled time for this item during the Council meeting may be obtained from the Engineering Department, 13125 SW Hall Blvd. Tigard, Oregon 97223, by calling 503 639-4171 extension 2468 or at www.ci.tigard.or.us.

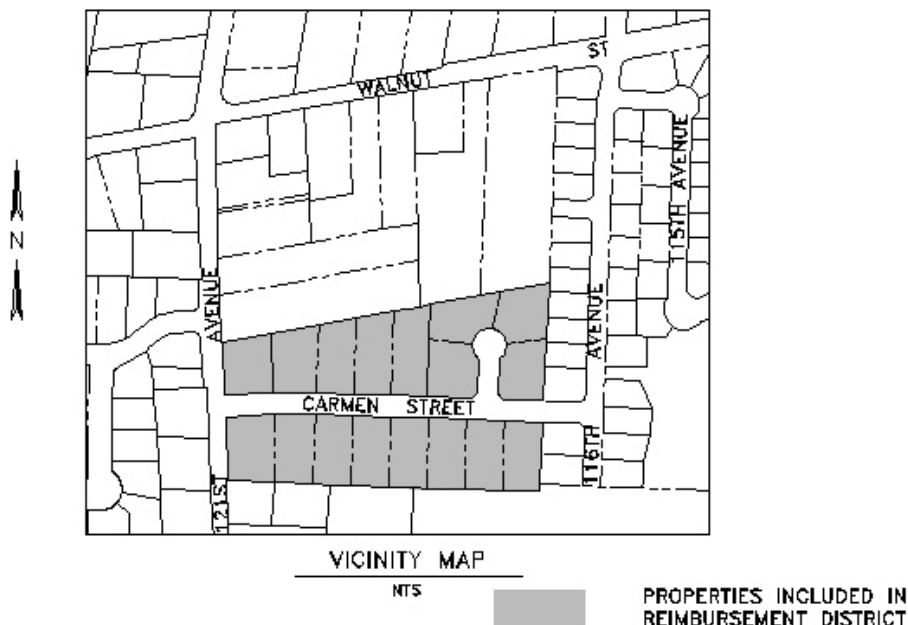
Proposed Sanitary Sewer Reimbursement District No. 25 (Carmen Street)

At this meeting, City Council will be requested to form a sewer reimbursement district to provide your neighborhood with sewer service. There is no requirement to connect to the sewer or pay any fee until connection is made. Each property owner's estimated fair share of the public sewer line is \$6,860. This amount will be revised once construction is completed and final costs are determined. An annual increase of 6.05% simple interest will also be applied to this amount.

The amount each property owner will be required to pay will be limited to \$6,000 to the extent it does not exceed \$15,000, for connections completed within three years of City Council approval of the final City Engineer's Report following construction, in accordance with Resolution 01-46.

The owner would also be required to pay a connection fee of \$2,335.00 at the time of connection to the sewer. In addition, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

CARMEN STREET SANITARY SEWER IMPROVEMENTS REIMBURSEMENT DISTRICT #25



Property Owner Mailing List
Carmen Street Sanitary Sewer Reimbursement District No. 25

| TaxID | Name | Address | City | State | Zip |
|--------------|---------------------------|----------------------------|-------------|--------------|------------|
| 2S103BD01400 | FINSTAD TERRANCE E | 12065 SW CARMEN ST | TIGARD | OR | 97223 |
| 2S103BD01500 | DANIEL JAMES W | 5150 SW LANDING DR APT 111 | PORTLAND | OR | 97201 |
| 2S103BD01600 | MALONE THOMAS E | 11985 SW CARMEN ST | TIGARD | OR | 97223 |
| 2S103BD01700 | JOHNSON WARREN A | 11945 SW CARMEN ST | TIGARD | OR | 97223 |
| 2S103BD01800 | LIEBL THOMAS R & BONNIE | 11905 SW CARMEN ST | TIGARD | OR | 97223 |
| 2S103BD01900 | IADANZA NICHOLAS E & | 11865 SW CARMEN ST | TIGARD | OR | 97223 |
| 2S103BD02000 | JOHNSON DAVID W | 11835 SW CARMEN ST | TIGARD | OR | 97223 |
| 2S103BD02100 | COPELAND BRIAN W | 11805 SW CARMEN ST | TIGARD | OR | 97223 |
| 2S103BD02200 | BOYEAS GEORGE M | 11765 SW CARMEN ST | TIGARD | OR | 97223 |
| 2S103BD02300 | SMITH ROSS JAY | 11760 SW CARMEN ST | TIGARD | OR | 97223 |
| 2S103BD02400 | CLARK OSCAR & DELORIS TRS | 11800 SW CARMEN ST | TIGARD | OR | 97223 |
| 2S103BD02500 | RHONE HENRY JR | 11860 SW CARMEN | TIGARD | OR | 97223 |
| 2S103BD02600 | MADDOX CLIFFORD L AND | 11900 SW CARMEN ST | TIGARD | OR | 97223 |
| 2S103BD02700 | BIEHL PHILIP & LINDA | 11940 SW CARMEN ST | TIGARD | OR | 97223 |
| 2S103BD02800 | REEVES MICHAEL & NADINE | 11980 SW CARMEN ST | TIGARD | OR | 97223 |
| 2S103BD02900 | DOWNING JOHN & JANICE TRS | 12020 SW CARMEN ST | TIGARD | OR | 97223 |
| 2S103BD03000 | GROSSWILER R EDWARD & | 12780 SW 121ST AVE | TIGARD | OR | 97223 |

CITY OF TIGARD, OREGON

RESOLUTION NO. 01-46

A RESOLUTION REPEALING RESOLUTION NO. 98-51 AND ESTABLISHING A REVISED AND ENHANCED NEIGHBORHOOD SEWER REIMBURSEMENT DISTRICT INCENTIVE PROGRAM

WHEREAS, the City Council has initiated the Neighborhood Sewer Extension Program to extend public sewers through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, on October 13, 1998, the City Council established The Neighborhood Sewer Reimbursement District Incentive Program through Resolution No. 98-51 to encourage owners to connect to public sewer. The program was offered for a two-year period after which the program would be evaluated for continuation; and

WHEREAS, on September 26, 2000, the City Council extended The Neighborhood Sewer Reimbursement District Incentive Program an additional two years through Resolution No. 00-60; and

WHEREAS, City Council finds that residential areas that remain without sewer service should be provided with service within five years; and

WHEREAS, Council has directed that additional incentives should be made available to encourage owners to promptly connect to sewers once service is available and that owners who have paid for service provided by previously established districts of the Neighborhood Sewer Extension Program should receive the benefits of the additional incentives.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Resolution No. 98-51 establishing the Neighborhood Sewer Reimbursement District Incentive Program is hereby repealed.

SECTION 2: A revised incentive program is hereby established for the Neighborhood Sewer Extension Program. This incentive program shall apply to sewer connections provided through the sewer reimbursement districts shown on the attached Table 1 or established thereafter. All connections qualifying under this program must be completed within **three years** after Council approval of the final City Engineer's Report following a public hearing conducted in accordance with TMC Section 13.09.105 or by **two years** from the date this resolution is passed, which ever is later, as shown on the attached Table 1.

SECTION 3: To the extent that the reimbursement fee determined in accordance with Section 13.09.040 does not exceed \$15,000, the amount to be reimbursed by an owner of a lot zoned single family residential shall not exceed \$6,000 per connection, provided that the lot owner complies with the provisions of Section 2. Any amount over \$15,000 shall be reimbursed by the owner. This applies only to the reimbursement fee for the sewer installation and not to the connection fee, which is still payable upon application for

sewer connection.

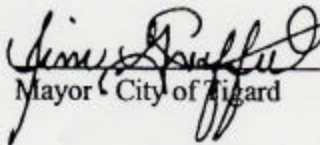
SECTION 4: The City Engineer's Report required by TMC Chapter 13.09 shall apply the provisions of this incentive program. Residential lot owners who do not connect to sewer in accordance with Section 2 shall pay the full reimbursement amount as determined by the final City Engineer's Report.

SECTION 5: Any person who has paid a reimbursement fee in excess of the fee required herein is entitled to reimbursement from the City. The amounts to be reimbursed and the persons to be paid shall be determined by the Finance Director and approved by the City Manager. There shall be a full explanation of any circumstances that require payment to any person who is not an original payer. The Finance Director shall make payment to all persons entitled to the refund no later than August 31, 2001.

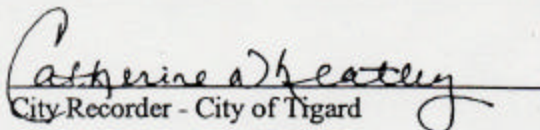
SECTION 6: The Sanitary Sewer Fund, which is the funding source for the Neighborhood Sewer Reimbursement District Program, shall provide the funding for the installation costs over \$6,000 up to a maximum of \$15,000 per connection.

EFFECTIVE DATE: July 10, 2001

PASSED: This 10th day of July 2001.


Mayor • City of Tigard

ATTEST:


City Recorder - City of Tigard

I:\Citywide\Res\Resolution Revising the Neighborhood Sewer Incentive Program

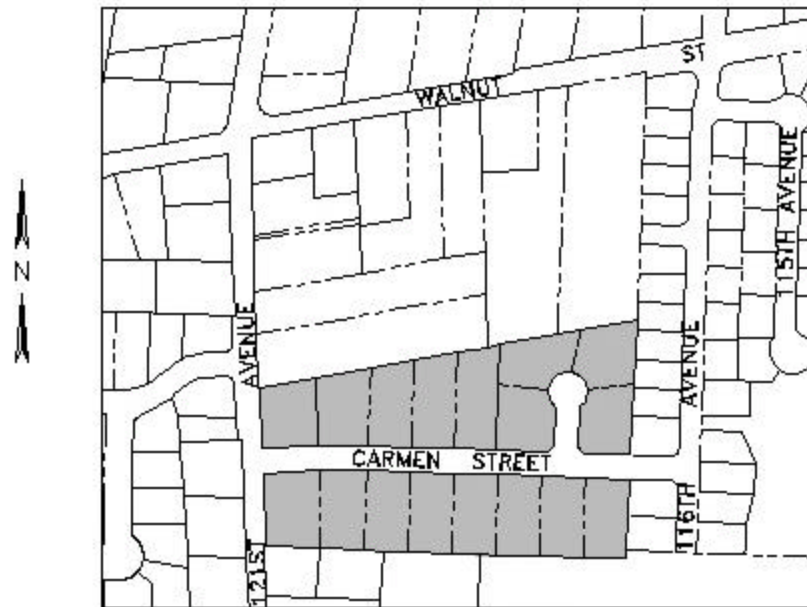
| TABLE 1 Reimbursement Districts with Refunds Available | | | |
|---|-------------|---|---------------------------------------|
| DISTRICT | FEE PER LOT | REIMBURSEMENT AVAILABLE | INCENTIVE PERIOD ENDS |
| TIGARD ST.No.8 | 5,193 | No reimbursement available | |
| FAIRHAVEN ST/WYNo.9 | 4,506 | No reimbursement available | |
| HILLVIEW ST No.11 | 8,000 | | July 11, 2003 |
| 106 TH & JOHNSON No.12 | 5,598 | No reimbursement available | |
| 100 TH & INEZ No.13 | 8,000 | | July 11,2003 |
| WALNUT & TIEDEMAN No.14 | 8,000 | | July 11,2003 |
| BEVELAND&HERMOSA No.15 | 5,036 | No reimbursement available | |
| DELMONTE No.16 | 8,000 | | July 11,2003 |
| O'MARA No.17 | 8,000 | | July 11,2003 |
| WALNUT & 121 ST No.18 | - | Amount to be reimbursed will be | Three years from service availability |
| ROSE VISTA No.20 | - | determined once final costs are determined. | |

* Currently being constructed

Carmen Street-

Reimbursement District No. 25

CARMEN STREET
SANITARY SEWER IMPROVEMENTS
REIMBURSEMENT DISTRICT #25



VICINITY MAP

NTS

PROPERTIES INCLUDED IN
REIMBURSEMENT DISTRICT



Carmen Street-

Reimbursement District No. 25

Total Estimated Cost- \$116,560

Reimbursement Fee (Per Owner)

\$6,860

- The Reimbursement Fee will be reduced to \$6,000 for owners with connections completed within three years.
- In addition, each owner will be required to pay a \$2,335 connection and inspection fee.



Carmen Street-

Reimbursement District No. 25

In addition, each owner will be required to pay:

- ❖ \$2,335 connection and inspection fee
 - funds treatment facility construction
- ❖ \$50 (average) service charge - per two months
 - operation and maintenance of the entire system